



Personnel Policy and Guidelines City of Mission, KS

January 1, 2017

Mission Statement

It is the mission of all city employees to provide the best possible service in a cost effective and timely manner to all citizens of the City of Mission, Kansas.

CITY OF MISSION

ORDINANCE NO. 1446

AN ORDINANCE ADOPTING PERSONNEL POLICIES AND GUIDELINES FOR THE CITY OF MISSION, KANSAS TO PROMOTE AND INCREASE EFFECTIVE CITY SERVICES, MAKE CITY SERVICE ATTRACTIVE AS A CAREER, ESTABLISH AND MAINTAIN A FAIR AND UNIFORM PLAN OF PERFORMANCE EVALUATION AND COMPENSATION, PROVIDE GOOD WORKING RELATIONSHIPS, AND ESTABLISH UNIFORM PERSONNEL POLICIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Adoption of Personnel Policies and Guidelines. The City of Mission Personnel Policies and Guidelines dated January 1, 2017 is hereby adopted as the personnel policy for this jurisdiction. The policy is hereby incorporated in this ordinance as if fully set out herein with an effective date of January 1, 2017.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 21st day of December 2016.

APPROVED BY THE MAYOR this 21st day of December 2016.


Steve Schowengerdt, Mayor

(SEAL)

Attest:



Martha Sumrall, City Clerk

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**PERSONNEL POLICIES AND GUIDELINES
CITY OF MISSION, KANSAS**

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the City of Mission are established to:

- (a) Promote and increase the efficiency and effectiveness of City service.
- (b) Develop a program of recruitment, advancement, and tenure which will make City service attractive as a career.
- (c) Establish and maintain guidelines for performance evaluation and compensation based upon the relative duties and responsibilities of each position, and to promote a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. **All employees are considered to be at-will employees for the purposes of city employment.**

A-2. Administration and Application of Policies. These personnel policies and procedures shall be administered by the City Administrator. It is the responsibility of Department Directors to ensure that all employees are aware of, and comply with, these personnel policies and guidelines. Each employee will be required to sign an Employee Acknowledgement Form annually indicating he/she has access to, or received, read, and understands the contents of this Personnel Policy and Guidelines booklet. These policies and guidelines shall apply to all employees, appointed officials and appointed members of all boards, commissions and committees in the service of the City except elected officials.

A-3. Departmental Guidelines. The Director of any City department may formulate in writing reasonable guidelines for the conduct of the operations of his or her department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body. Where such conflict may occur, the City's Personnel Policies and Guidelines shall prevail.

A-4. Personnel Records. The Human Resources Specialist shall keep accurate records of all persons employed, their classification and pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or

other leave, accrued overtime, and all other records directed to be made and maintained under these Personnel Policies and Guidelines or under applicable state or federal laws. An employee's personnel file shall be available during office hours for inspection by that employee or respective Department Director. Requests must be made in advance, and an appointment will be scheduled for viewing the file. Any other request for personnel information must be approved by the City Administrator.

A-5. Amendment of Policies. These policies shall be adopted by ordinance by the Governing Body. Amendments may be adopted from time-to-time in the same manner based upon recommendations by the City Administrator or as proposed by the Governing Body. These policies are, therefore, subject to immediate change, in whole or in part, at the discretion of the City Administrator and as adopted by the Governing Body. Any implemented change will be effective immediately and notice of the change will be posted as soon as possible thereafter. Likewise, these policies and guidelines may be terminated or withdrawn, and with them, any underlying benefits described, at any time at the Governing Body's sole option.

A-6. Governing Body-Employee Relationships. Except for the purpose of inquiry, members of the Governing Body shall deal with administrative services and requests through the City Administrator. No member of the Governing Body shall provide direction, criticism or discipline to any subordinate of the City Administrator, either publicly or privately. While friendly and open relations are encouraged among Governing Body members, Department Directors, and employees, requests for information or service will normally be routed through the City Administrator's office in order to maintain the integrity of the administrative process.

A-7. Equal Employment Opportunity and Affirmative Action. The City of Mission, Kansas hereby recognizes its commitment and dedication to Equal Employment Opportunity. By implementing this policy, the City reaffirms its commitment to continue to select, compensate, develop, promote, and discipline (up to and including discharge) employees based on their individual abilities, qualifications, and job performance without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law. The City will consider age or sex if it is a bona fide occupational qualification, and will consider disability for purposes of analyzing reasonable accommodation, or in cases where a disability renders an individual unable to perform the essential functions of the position s/he holds or has applied for, and reasonable accommodation cannot be provided.

A-8. Genetic Information Policy. The City does not discriminate against any applicant or employee because of that individual's genetic information (including information from genetic tests, the genetic tests of family members, the manifestation of a disease or disorder in a family member, family medical history, or information about any employee's, applicant's or family member's request for or receipt of genetic services). Nor does the City improperly request, require, or purchase any genetic information. Testing for drug or alcohol use is not considered "genetic

testing,” and may be required by the City in appropriate circumstances. Any specimen(s) gathered for drug and alcohol testing will not be tested for any genetic information.

- (a) *Inadvertent and other Lawful Acquisition.* To the extent the City receives information about an applicant’s or employee’s family medical history or other genetic information inadvertently or otherwise (e.g., in the administration of a leave or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider an employee’s leave request relating to a family member’s medical condition), and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law.
- (b) *Non-retaliation.* The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on genetic information, and/or participates or cooperates in an investigation of alleged discrimination based on genetic information, or of any other alleged violation regarding the acquisition or use of genetic information. Employees who feel they have been retaliated against for making a complaint or participating in an investigation should immediately report the circumstances or incident to the Human Resource Specialist or the City Administrator.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each full-time City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or multiple positions within the same classification. These groupings shall be known as the Classification Plan. The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Governing Body. The Classification and Pay Plan adopted November 2003 is the City’s official Classification and Pay system, is subject to annual review and revision, and the most recently approved plan is hereby incorporated by reference.

B-2. Job Descriptions. Each position may have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position, physical requirements, and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the City Administrator and shall be kept on file in the Human Resources office and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The Governing Body shall adopt a pay plan, with guidelines for minimum and maximum amounts for each classification. The pay range serves only as an approximate guideline as individual circumstances may vary. The pay ranges assigned to each class of positions shall be reviewed at least annually by the City

Administrator who shall make periodic recommendations for revision to the Governing Body. The City Administrator, after consultation with Department Directors, shall approve advancements and appropriate pay increases within the approved pay plan and position classification system.

B-4. Maintenance of the Classification Plan. It shall be the duty of each Department Director to report to the City Administrator any and all proposed organizational changes which will significantly alter or affect changes in existing positions or proposed positions. The City Administrator is responsible to approve all new or revised job descriptions and recommend appropriate pay ranges for such positions to the Governing Body for approval.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- (a) *Full-time Employee* is one employed to work a normal workweek of at least 40 hours on a regular and continuing basis.
- (b) *Regular Part-time Employee* is one employed to work less than a normal workweek on a regular and continuing basis and requires at least 1,300 hours of work per year. This employee may be eligible for certain pro-rated leave and benefits.
- (c) *Part-time Employee* is one employed to work less than a normal workweek and requires less than 1,560 hours of work per year.
- (d) *Seasonal Employee* is one employed to meet seasonal work demands for the duration of the program such as, but not limited to, community center, swimming pool and public works employees.
- (e) *Temporary Employee* is one employed for less than six months in a calendar year.

C-2. Recruitment.

- (a) *Announcement of Vacancies:* Notice of vacancies may be disseminated by posting announcements at City facilities, announcing the vacancy in weekly staff meetings, by sending announcements to various newspapers and other organizations appropriate to the level of job, and/or by posting on the Internet and City of Mission web page.
 - (1) In accordance with the policy of providing promotion from within the organization, with the exception of appointed officials, when qualified personnel exist, a job vacancy need not be announced publicly when such internal promotion is possible. In such a case, although the position may not be externally posted, it may be internally posted to allow internal candidates to apply.
 - (2) Any vacancy may be filled from inside or outside the City service. The City reserves the right to seek external applicants simultaneously with reviewing internal candidates.

- (b) *Content of the Announcement:* The announcement shall specify the class title and salary range of the class from which the vacancy is announced; the nature of the work performed; the minimum qualifications required for the performance of the work; the time, place and manner of making application; the closing date for receiving applications and other pertinent information.
- (c) *Application:*
- (1) All applications shall be made on forms prescribed by the City and shall be filed no later than the closing date specified in the announcement. Applications shall contain only that information considered relevant to the duties and qualifications specified for the job in accordance with the Equal Opportunity Policies. Applications are taken for specific openings only and will be retained after the specific opening is filled for a period of one year.
 - (2) All applications shall be signed by the applicant and the truth of the statements contained therein certified by such signatures. The City may require such proof of information contained in the application as deemed appropriate.
 - (3) Applications may be picked up at City Hall when applications are being accepted for job openings.
- (d) *Screening:* The Department Director or his/her designee shall review applications and conduct interviews with candidates who meet minimum qualifications. Recommendations for hiring employees are made by Department Directors. As personnel officer for the City, the City Administrator has final authority to hire except as noted in (e) below.
- (e) The City Administrator shall have the power to hire and remove (in accordance with these Personnel Policies and Guidelines approved by the Governing Body) all subordinate employees of the City of Mission. The Governing Body shall approve the City Administrator's recommendation for the hiring of all Department Director level positions and the City Attorney. Department Director positions include, but are not limited to: Finance Director/Assistant City Administrator, City Clerk, Public Works Director, Chief of Police and Parks and Recreation Director. The City Administrator will advise the Governing Body of the pending termination of Department Directors, appointed officials or board and commission members.
- (f) *Rehire:* After separation with the City for more than 90 days, other than layoff, a former employee may be eligible for rehire without credit for prior service or seniority. Hiring managers who wish to rehire previous employees who were terminated other than "for cause" reasons must seek prior approval from the City Administrator. If approved for rehire, such employee will be considered a new employee. Any employee who is terminated for cause from the City of Mission's employment will **not** be eligible for future City employment, and depending upon the circumstances may be subject to criminal prosecution.

C-3. Qualifications of Employment. Each applicant shall complete a job application and all other necessary forms as required. The application will require that the applicant clearly articulate their qualifications.

- (a) A medical examination may be required after an offer of employment has been extended; provided, that such exams are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the examination confirming that the applicant can perform the essential functions of the offered position, with or without reasonable accommodation, and without posing a direct threat to the applicant himself/herself, or to any other person.
- (b) A drug/alcohol test may be required after an offer of employment has been made for any safety-, security-, or integrity-sensitive position; provided, that such exams or testing are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the applicant passing any such required test.
- (c) A background check and/or credit check may be required for certain positions. All background checks will be performed in compliance with applicable law.
- (d) *Age Requirement:* Minimum age requirements shall be established only for positions which might require a valid Kansas Driver's License, applicable federal and/or state laws regarding the employment of youth, or as otherwise determined by the City Administrator, with the exception of employment in the Police Department where the minimum age requirement is twenty-one (21).
- (e) *Residence Requirement:* Employees shall not be required to live in the City limits, but they are encouraged to do so. This is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. All Department Director level positions and the City Attorney may be non-residents of the City, provided however that such non-residents shall establish and maintain residency within a thirty (30) mile radius of the City of Mission. The City Administrator, in consultation with the Governing Body, may consider and approve exceptions to the residence requirement outlined above.
- (f) *Disqualification:* An applicant may be disqualified if:
 - 1) The applicant does not meet preliminary requirements established for the pertinent class.
 - 2) The applicant has established an unsatisfactory employment record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
 - 3) The applicant has made a false statement of material fact in the application or on their resume.
 - 4) Failure of medical examination (i.e. a medical examination that indicates the applicant cannot perform an essential function of the position with or without an accommodation, or poses a direct threat by doing so, and reasonable accommodation is not possible or feasible);

- 5) Failure of a drug/alcohol test (in the case of an application for a safety-, security-, or integrity-sensitive position).
- 6) Unsatisfactory background and/or credit. A criminal conviction or negative credit history will not necessarily disqualify an applicant. Factors such as the date of the occurrence(s), seriousness of the occurrence(s), nature of the offense, and the relationship of the offense or occurrence, and the position applied for, will be taken into consideration.
- 7) Failure to receive "Employment Authorized" results during eVerify processing. Employee will be given adequate time to resolve discrepancies or contest a mistake. In the event eVerify returns a "final nonconfirmation" of an employee's legal rights to work in the United States, the employee will be terminated.

C-4. Training Period.

- (a) In order to achieve a minimum level of competency, each employee, following initial employment, shall undergo a training period. For police this is one year and for all other employees it is six months.
- (b) Each employee promoted to a new classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he or she held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated within six (6) months, as determined by the Department Director and City Administrator.
- (c) The provision of a training period does not guarantee the employee employment for that duration, or any specific duration. City employees remain employees "at will" throughout, and following, any training period.

C-5. Promotion. It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. Each applicant shall complete a job application or submit a detailed resume and all other necessary forms as required. A medical examination or (in the case of a safety-, security-, or integrity-sensitive position) drug/alcohol testing may be required after an offer of promotion has been made; provided, that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing any required test(s).

C-6. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be hired who is a family member of anyone on the City's Governing Body. "Family member" shall be defined

as parent, spouse, domestic partner, child, sister or brother, grandparent, grandchild, in-law (mother, father, grandparent, brother, sister, daughter, son), first generation aunts, uncles, nieces, nephews or cousins. Relatives by adoption, step-children and step-parents are included in this definition. However, an employee who is an immediate family member of the Governing Body and who is employed prior to such member taking office, shall retain his/her employment with the City.

- (b) If one City employee becomes a "family member" of another City employee after they are both employed, the two employees may not remain in the same supervisory chain. If they are in the same supervisory chain at the time they become "family members," one must be moved to another department and/or out of the supervisory chain within 90 days. If an appropriate position is not available then one of the employees must separate from City employment within the same 90 day period. If the affected employees cannot decide who will separate, then the Department Director, in consultation with the City Administrator, will determine which employee to retain.
- (c) This provision shall not prevent the hiring in a part-time position of an individual who is a "family member" of another City employee (as distinguished from an individual serving on the City Governing Body); provided, however, that no part-time employee shall be directly supervised by a family member.

C-7. Commercial Driver's License. The City requires those employees who will be operating trucks, which by Kansas law require a commercial driver's license to operate, to obtain and maintain the appropriate license as soon as possible but no later than six (6) months from the date of employment. To receive reimbursement for the expense of obtaining or maintaining such CDL, employees must submit a claim for reimbursement with the paid receipt showing the cost of the commercial driver's license. Since the commercial driver's license is required by the City for employment and to perform the required duties, the reimbursement is excludable as a wage to the employee. Any CDL employee who receives a moving violation or has their license suspended or revoked must advise their supervisor immediately.

ARTICLE D. COMPENSATION

D-1. Compensation Plan.

The salary of each employee of the City will normally be set at least annually at an amount within the pay range of the position class to which the employee is assigned, or put on a plan to reach the range minimum within a reasonable period of time. Such determination shall be made by the City Administrator with the advice of the Human Resource Specialist and the appropriate Department Director. An employee's continued employment at the salary rate within the class assigned to him or her shall be contingent upon the provisions outlined in Sections D-2 and D-3.

D-2. Pay Increases.

- (a) Department Directors may recommend periodic pay increases for employees based on performance evaluations submitted by the employees' immediate supervisors. Performance evaluations and recommended pay increases will be reviewed by the Department Director and forwarded to the City Administrator for approval.
- (b) Periodic pay increases shall not be routine or automatic and are subject to approval by the City Administrator.

D-3. Performance Evaluations.

- (a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.
- (b) An evaluation of the performance of each full-time and part-time employee, based on his or her duties and responsibilities, may be prepared by the employee's immediate supervisor (but is not required) at least annually. Any such evaluation may be in writing on forms approved by the City Administrator. The supervisor may (but is not required to) evaluate in writing, at least quarterly, any employee who has received a less than satisfactory overall performance rating during the past year. An employee-in-training may be (but is not required to be) informally evaluated at the half-way point of the training period, and at the completion of his/her training period. If an evaluation is performed under any of the circumstances outlined above, the supervisor will present each evaluation to the employee and allow the employee the opportunity to respond. Less than satisfactory evaluations shall be reviewed and approved by the Department Director prior to presentation to the employee. On an annual basis the City Administrator, in cooperation with the Mayor, may (but is not required to) perform a review of all Department Directors.

D-4. Pay on Termination.

- (a) An employee who is terminated will receive his/her final paycheck on the first regularly scheduled payday following his/her termination.
- (b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of ten (10) working days' notice, may not be eligible to receive pay for any accrued benefits other than unused vacation days. See Section E-3(b) as to employees-in-training.

D-5. Timekeeping for Non-Exempt "Hourly" Employees; No Working "Off the Clock"; Reporting Process

- (a) The City intends to fairly and appropriately pay all non-exempt (overtime-eligible) employees hour-for-hour for all time worked on behalf of the City. Whenever work is performed for the City, whether during the regularly-scheduled shift, before or after the regular shift, or during meal breaks, the City intends to pay

non-exempt employees for that time. Employees are required to accurately and truthfully record all time they work for the City; non-exempt employees are specifically prohibited from performing any work for the City "off the clock." Failure to accurately and truthfully record all time worked, whether the effect is to report more or less time than actually worked, is a violation of City policy and may result in discipline up to and including termination.

- (b) Unless specific advance approval is given by the employee's manager or supervisor, non-exempt employees are prohibited from taking work home or performing any services (including monitoring e-mail or voice mail, or responding to phone calls) for the City from remote locations and/or outside of normally-scheduled hours, via electronic communication devices or otherwise. If it is necessary for a non-exempt employee to respond to a specific request outside of the office and outside of scheduled working hours, the employee must report all such time worked. Employees who perform work off-premises without prior approval are subject to discipline, up to and including termination.
- (c) No one has the power to allow or ask, directly or indirectly, any non-exempt employee to perform any work for the City "off the clock." There may be times when operational needs require employees to be assigned work before or after the regularly scheduled shift, or during meal breaks. In all cases, all time worked must be reported on time records, and will be compensated. Any employee who is aware of any non-exempt employee being allowed or asked, directly or indirectly, to perform any work for the City "off the clock" should immediately report the situation to Human Resources. The City will assure that any unpaid wages due are paid, and there will be no retaliation against any employee for reporting any prohibited "off the clock" work, or request for prohibited "off the clock" work.

D-6. Overtime Compensation (for overtime-eligible employees).

- (a) Employees holding exempt positions (as defined by the Fair Labor Standards Act) are ineligible for overtime compensation. Full-time employees are generally paid for actual hours worked in excess of any pre-arranged workday schedule. Section D-7 Flexible Scheduling, describes exceptions to this provision.
- (b) The City's policies at least meet, and often exceed, the basic requirements of any applicable wage payment laws. To assure compliance, the following baseline regulations are set forth below:
 - (1) Non-exempt sworn police personnel shall be paid overtime for actual hours worked over 160 hours during a work period consisting of 28 days.
 - (2) All other non-exempt personnel shall be paid overtime for actual hours worked over 40 hours in a work-week.

- (c) A non-exempt employee shall not be permitted to work in excess of their normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City, and such work is assigned by the supervisor.
- (d) All overtime work must have prior authorization by the employee's Department Director or supervisor in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and shall provide such records as appropriate to the Human Resources Department for payroll calculations. Working unauthorized overtime may be cause for disciplinary action.
- (e) Compensation for overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime is rounded and tracked in 15-minute increments. Overtime compensation shall be paid no later than the first payday following the pay period in which the overtime work was performed.
- (f) Non-exempt employees shall be eligible to receive overtime compensation for all hours worked in excess of their normal workweek. Paid vacation and paid holiday hours will count as "time worked" for the purposes of computing overtime. Personal leave, job related injury leave, compensatory time, funeral leave, civil leave, and sick leave are not counted as "time worked" for the purposes of computing overtime.
- (g) Time spent regularly or occasionally "on call", where the employee is not confined to his/her home or any particular place, but is required to leave work where s/he may be reached or carry a cell phone or pager, is not considered compensable time for base pay or overtime purposes unless the employee is called in for an assignment.
- (h) Non-exempt employees who are called in for an unscheduled assignment, or to work at a time that is outside of their normal work schedules will receive a minimum of two hours pay. Non-exempt employees who are required to work at a time that is less than two hours before the beginning of their normal work schedule do not qualify for the minimum two-hour payment; they will be credited for actual time worked. Pay for call in begins at the time the employee arrives at the work site. Non-exempt employees are required to work overtime as needed and requested by their supervisor.

D-7. Compensatory Time

The City will not routinely offer compensatory time in lieu of overtime payments. However, if it is offered the following procedures will apply:

- (a) At the discretion of the Department Director, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. The decision to use compensatory time in lieu of cash pay must be made and the employee informed before the overtime occurs.

- (b) Any compensatory time shall be accrued at the rate of one and one-half times the number of hours worked and is accruable up to 240 hours for non-public safety employees and 480 hours for public safety employees. Accrued compensatory time must be used within 12 months of occurrence or it will be paid at the rate earned at the end of the 12 month period.
- (c) Compensatory time may be used for the same reasons as set out in these Personnel Policies and Guidelines for sick, vacation and personal leave, and based on the purpose of its use, must be scheduled in accordance with City or department policy.
- (d) All overtime work and utilization of compensatory time off must have prior authorization by the employee's Department Director in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and compensatory time taken and shall provide such records as appropriate to Human Resources for payroll calculations.
- (e) Upon termination of employment, available accrued compensatory time will be paid to the employee and will be calculated at the final regular rate of pay received in accordance with (b) above.

D-8. Flexible Scheduling. If a supervisor and non-exempt employee agree in advance, the supervisor may allow an employee to work in excess of the prearranged work day schedule in order to take off time on another day during the same work week. The worked time and the time used are a one for one ratio. The time sheet must clearly reflect the actual times worked.

D-9. Holiday Compensation.

- (a) In the event that the traditional date of any holiday shall fall on a Saturday, City offices will be closed on the preceding Friday. The City offices will be closed on the Monday immediately following when the traditional holiday date falls on a Sunday. A police officer of the rank of sergeant and below will be paid extra when scheduled to work on a holiday, or the holiday falls on his/her regular day off. Such officers will receive one extra day of pay. Any such officer working less than the entire scheduled work period shall receive a prorated share of the extra day's pay. The Chief of Police may implement a departmental holiday policy which permits holiday scheduling which will not interfere with department operations.
- (b) All full-time non-exempt employees shall receive twice the employee's hourly rate of pay on a straight time basis when required to work on a designated holiday.
- (c) Regular part-time employees shall be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. The amount of pay shall be equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. In the event that a holiday falls on a regular part-time employee's scheduled day off, the employee shall take off the scheduled workday preceding or the scheduled workday following a holiday.

- (d) Seasonal, temporary, and part-time employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a City holiday, an employee must not have been absent with unapproved leave either on the workday before or the workday after the holiday.

D-10. Pay Periods; Paydays.

- (a) The City shall pay all full-time, part-time, seasonal and temporary employees bi-weekly, on alternate Fridays.
- (b) The City shall pay all appointed officials monthly, on the second payday of the month.
- (c) The workweek is defined as Sunday through Saturday.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal workweek for regular full-time employees shall be a minimum of 40 hours per work-week on a set schedule to be assigned by the Department Director.
- (b) *Police Officers.* The normal workweek for full-time police officers shall be an average of a 40 hour workweek. The work period shall exclude uninterrupted mealtime.
- (c) *Normal Work Hours.* No employee shall be permitted to work in excess of his/her normal work-week except when so directed by the employee's Department Director or immediate supervisor.
- (d) If an employee is absent without leave and without acceptable explanation for a period exceeding three days, or if the employee did not comply with departmental notification procedures for three days, the employee is considered to have abandoned his/her job and may be terminated.
- (e) Work hours may be adjusted by the Department Director based on departmental needs.

E-2. Holidays.

- (a) The following days shall be paid holidays for City employees: New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November), Friday after Thanksgiving, Christmas Day (December 25), and an additional day at Christmas as explained below.
- (b) From time-to-time, and for certain special occasions, the Mayor or the Governing Body by majority motion may designate other days as special holidays on a one-time basis.
- (c) In the event that Christmas falls on a Monday or Friday, City offices will be closed the following Tuesday or preceding Thursday; in the event that Christmas Day falls on a Tuesday or Thursday, City offices will be closed on the preceding Monday or following Friday, respectively; in the event that Christmas Day falls on

Wednesday, City offices will be closed the preceding Tuesday. In the event that Christmas falls on a Saturday or Sunday, City offices will be closed on the preceding Friday and on the following Monday.

E-3. Vacation Leave. Vacation leave shall be granted beginning with the date of employment under the conditions hereinafter stated. Any employee who works fewer than 10 days in any month shall not accrue vacation credit for such month of service; provided that this restriction of 10 days shall not apply where the employee has worked fewer than 20 days due to authorized vacation or sick leave or other authorized duty absence. Vacation hours accrue and are to be used based on a calendar year. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. Regular part-time employees shall accrue vacation days on a pro-rata basis. Accrued, unused vacation is not converted to cash in lieu of time off, either while the employee is employed or upon termination, except as specifically provided below.

- (a) *Full-time Employees.* Full-time employees will receive paid vacation leave time according to the following schedule: City Administrator, City Clerk and Department Directors with one through five years of consecutive service shall receive 15 working days of vacation. Other employees with one through five years of consecutive service shall receive 10 working day's vacation. All employees shall receive one additional working day, to a maximum of 25 working days, for each calendar year served in excess of five years. Paid vacation leave time may be taken during the first six months of employment only under special circumstances and with Department Director approval.
- (b) *Accrual Rate Years One through Five.* City Administrator, City Clerk, and Department Directors will accrue leave days of 10 hours per month. Other employees will earn 6.67 hours for each full month of employment during years one through five of employment. Employees with start dates prior to the 16th of the month will receive credit for the full month. Employees with start dates on or after the 16th of the month will receive no credit for that month. Employees-in-training terminated prior to completion of training other than "for cause" will receive pay for any accrued, unused vacation leave.
- (c) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and Department Director. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the City, vacation leave shall be granted on the basis of rank, first request, and/or seniority of City employment at the discretion of the Department Director and/or City Administrator.
 - Vacation may be taken only when earned. Vacation may be advanced only in extenuating circumstances and only with specific approval of the City Administrator upon recommendation of the Department Director.

- Earned and unused vacation may be carried over from year to year. The City reserves the right to require employees to utilize at least one week's vacation per year to rest and refresh themselves.

Vacation utilization guidelines are as follows:

- (1) Each Department Director reserves the right to limit the amount or timing of vacation taken if the proposed vacation interferes with business operations. Department Directors may implement departmental vacation policies with the City Administrator's permission.
- (2) Vacation time may be used in conjunction with Personal Days or Holidays if pre-approved.
- (3) Vacation time may be used to bridge the employee to disability in the case of the employee's inability to come to work due to their own illness.
- (4) Vacation that is accrued but unused may be carried over for use at a future time.
- (5) If sick and personal time are exhausted, or do not qualify for FMLA concurrent use, vacation time will run concurrently with Family Medical Leave.
- (6) Special circumstances will be considered on a case by case basis, but under no circumstances may any employee ever use more than 20 vacation days sequentially for reasons other than personal illness (including pregnancy) or Family Medical Leave. The City reserves the right to deny such requests that fall outside regular guidelines.
- (7) Department Director and City Clerk vacation leave will be scheduled through the City Administrator.

Normally, the Department Director and assistant for the same Department may not be on vacation leave at the same time.

- (d) *Holiday During Vacation.* City holidays which occur while an employee is on authorized vacation leave will not be counted as a day of vacation for that employee.
- (e) *Minimum Hours.* Employees shall use vacation leave in whole hour increments (no fractions of hours) in units of not less than one hour.
- (f) *Termination.* A maximum of 240 hours of combined accrued but unused current and carry-over vacation time (if any) may be converted to pay in lieu of time off, at the employee's final rate of pay, upon termination if the employee voluntarily resigns with adequate notice, or is terminated for a reason other than "for cause." No conversion to cash is available to an employee who resigns without adequate notice, or is involuntarily terminated "for cause."

E-4. Personal Days. Full-time employees who are on the payroll January 1st of each year shall be credited with two personal days. Full time employees hired during the year will receive credit for personal days based upon the following schedule:

- Start dates in the months of January, February, March or April: 2 days
- Start dates in the months of May, June, July, or August: 1 day
- Start dates in the months of September, October, November, or December: 0 days

Employees shall use personal leave in whole hour increments (no fractions of hours) in units of not less than one hour. Personal days not used by December 31st of each year shall be deleted, i.e., not carried over into the next year. Personal days are neither carried over nor converted to cash, either while the employee is employed or upon termination. Personal day scheduling and accounting shall be outlined as in E-16.

E-5. Sick Leave. All regular full-time employees shall accrue sick leave from the first day of employment. Regular part-time employees shall accrue sick leave on a pro-rata basis. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Where the reason for absence also qualifies as a Serious Health Condition of the employee or a covered family member under provisions of the Family and Medical Leave Act, sick leave must be used concurrently with FMLA leave (see Section E-11). Used sick leave shall be accounted for as in E-16 upon return to duty. Sick leave may be used upon accrual for the following reasons:

- The employee's own personal illness or physical incapacity.
 - Enforced quarantine of the employee in accordance with community health regulations.
 - Doctor or dentist appointment when the employee provides at least one-day notice to his/her immediate supervisor, or as soon as possible if an emergency.
 - To attend to a person whose illness requires the employee's presence. Examples: spouse, child, parent, grandparents or with approval by the City Administrator in extraordinary circumstances.
- (a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each full month of service. Regular part-time employees shall accrue sick leave on a pro-rata basis.
- (b) *Accumulation of Sick Leave.* Sick days may be accumulated to a maximum of 528 hours for use for the above situations.
- (c) *Computing of Sick Leave.* Any absence chargeable to sick leave shall be charged in whole hourly increments (no fractions of hours) with a minimum charge of one hour.
- (d) *Doctor's certificate.* Sick leave for three days or more may require the employee to furnish the Department Director with a physician's certificate clearly stating that the employee has been under a doctor's care and unable to work for dates which must be specified, and the probable duration of the illness. Employees returning after illnesses of three days or more may be required to provide a release from the physician that the employee is fit to return to work.
- (e) It shall be the responsibility of the employee to notify their Department Director of illness on a daily basis unless certification from a health care provider renders such daily notification unwarranted.

- (f) *Notification.* To be eligible for paid sick leave an employee, or his/her representative, shall notify the employee's immediate supervisor and advise the supervisor that sick leave is requested no later than two hours before the beginning of the first workday for which sick leave is taken, or as soon as is reasonably possible. Confirmation of receipt of notice is required from supervisor for employee to be eligible to be paid for sick leave. As stated above, the City reserves the right to require a physician's certification that one of the above criteria is met, thereby warranting use of paid sick leave.
- (g) *Termination of Employment.* Conditioned on the employee terminating "in good standing" (i.e., voluntarily with notice, or involuntarily other than "for cause"), such employee will be paid for 50 percent of the accrued, unused sick leave at the annual rate of pay at the time of termination. Sick leave is not converted to cash in any proportion where an employee fails to provide adequate notice of voluntary resignation, or is terminated "for cause."

E-6. Sick/Vacation Leave Transfer. In special circumstances it is possible for employees to donate accrued, unused sick leave or vacation leave to other employees to provide pay for already granted time off. For instance, if a receiving employee has a serious illness or injury, or the receiving employee's immediate family has a serious FMLA approved illness or injury requiring the receiving employee to be off work longer than the time for which they would receive pay from their own accrued sick and vacation leave, the Human Resources Specialist may be contacted. After discussing the issue with the Department Director and the City Administrator, the Human Resources Specialist may accept sick or vacation donations from other employees to transfer to the receiving employee. Once donated, the transfer is irrevocable; any such donation must be fully voluntary by the donor-employee; any employee donating leave must retain a combined balance of 200 hours of accrued sick and vacation leave.

E-7. Funeral Leave. In the case of death of a member of an employee's immediate family member (to include employee's spouse, child or adopted child, father, step-father, father-in-law, mother, step-mother, mother-in-law, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, grandparents, grandparents-in-law, grandchild, or any natural or adopted child or grandchild of the employee's spouse) full-time employees shall be granted paid funeral leave not to exceed three consecutive working days. Additional time off may be granted by the supervisor. To be considered eligible, such approval must be granted before the extension is taken, and the extension will be unpaid unless the employee has available, and opts to use, accrued personal or vacation time. Funeral leave is not counted in the computation of overtime.

E-8. Injury Leave.

- (a) All injuries occurring on the job shall be reported to the employee's immediate supervisor as soon as possible, but no later than 24 hours after the incident.

- (b) Any employee injured on the job shall be eligible to receive injury leave with pay for up to the seven-day waiting period for workers' compensation claims, or the duration of the necessary absence, whichever is shorter. If an injured employee has work restrictions which can be accommodated by the City and elects not to work, they will be required to use accrued sick leave time, and will not be eligible for injury pay.
- (c) When an employee receives compensation under the Workers' Compensation Act, the pay he or she receives from the City, while an employee of the City, shall be the difference between his or her regular rate of pay and the amount he or she receives from workers' compensation.
- (d) Failure to timely report a work related accident or injury may result in disciplinary action.

E-9. Military Leave. A military leave of absence will be granted when an employee serves in the uniformed services of the United States. This includes active duty, active duty for training, inactive duty for training, National Guard duty, reserve duty, and time taken off for an examination to determine fitness to do any of the above.

When possible, a request for military leave should be made to the Department Director and Human Resources prior to the beginning of the leave. The employee should also discuss the expected length of the leave and the anticipated return date with the Department Director and Human Resources.

- (a) *Benefits Continuation.* The employee may elect to continue his or her health insurance coverage. Please see Human Resources for information regarding health insurance and other benefits.
- (b) *Vacation and Personal Time.* An employee who takes military leave will be permitted (but not required) to use his/her accrued and unused vacation time and/or personal time for military duty obligations upon written request. Otherwise, the leave is unpaid.
- (c) *Restoration.* An employee returning from military leave who meets the requirements will be reinstated in accordance with all applicable laws.
- (d) Please refer to the Family Medical Leave Guidelines for additional information on employees who have family members in the military.

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* Any employee shall be given necessary time off with pay under any of the following circumstances: (1) when performing jury duty (note: when normal pay is taken, jury duty paycheck shall be endorsed to the City.) (2) When appearing in court as a witness in answer to a subpoena in connection with the City, or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his or her duties with the City, the employee may take leave without pay unless he/she elects to utilize accumulated vacation leave or personal days.

E-11. Family and Medical Leave (FMLA).

- (a) *Overview.* Each eligible employee will be granted up to 12 weeks of job-protected family and medical leave during any 12-month period looking backward beginning with the first day leave is taken. The leave is unpaid except as provided herein. Such leave will be available as the result of any one, or combination of the following: the birth, adoption or placement of a child for foster care (including paternity leave) (“baby bonding leave”); to care for a spouse, child or parent with a serious health condition; the employee’s own serious health condition; qualifying military exigency leave; or for Military Caregiver Leave, to care for a covered service member with a covered service-related serious illness or injury. For Military Caregiver Leave, the leave allotment will consist of 26 weeks of unpaid leave beginning with the first day leave is taken for that purpose and looking forward.
- (b) *Eligibility.* An employee must have worked for the City at least 12 months and a minimum of 1,250 hours during the 12 months preceding the absence to be eligible for FMLA leave.
- (c) *Certification of Need for Leave.* When leave is requested as a result of a serious health condition of the employee, spouse, child or parent, or for Military Caregiver Leave, the employee must provide the City with authentic and sufficient medical certification completed by a health care provider, on forms to be provided by the City. The City will reimburse the employee if the health care provider charges the employee a fee for filling out the FML medical (re) certification. A receipt of payment must be submitted in order to be reimbursed. The City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the City may pay for the opinion of a third provider, selected by agreement of the employee and the City. The opinion of the third provider is binding on both the employee and the City. Medical Certification from an appropriate US Department of Defense health care provider or other health care provider authorized in the regulations must be provided for certification of Military Caregiver Leave. The City may likewise require verification of the need for Qualifying Military Exigency Leave.
- (d) *Required Notice by Employee of Need for Leave.* Where foreseeable, employees are required to provide at least 30 days’ notice (or as much advance notice as is practicable, if less than 30 days) before beginning to take such leave. Whether the need for leave is foreseeable or unforeseeable, an employee must follow the City’s (and/or the employee’s Department’s) usual and customary call-in procedures, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a

failure, FMLA coverage for the absence may be delayed or denied. Merely calling in "sick" without providing more information is not sufficient to trigger FMLA coverage for that absence, and such absence may be subject to the City's (or Department's) regular attendance and absenteeism policies and guidelines.

- (e) *Length of Leave Allotment.* The cumulative total of any one or combination of the above qualifying shall count toward the 12 weeks of leave (or 26 weeks in the case of Military Caregiver leave) provided under this law. Employees will normally be notified of their eligibility for leave under the FMLA within five working days following the City's knowledge of a potentially qualifying absence. Within five business days after required certification is returned, employees will normally be notified of whether or not the leave is FMLA covered, and if so, of specific expectations and obligations under the FMLA. The City's obligations under FMLA shall cease upon the expiration of the applicable FMLA allotment, or when an employee gives notice of his/her intent not to return to work, whichever occurs first. The City reserves the right to request certification and/or re-certification verifying the need for leave during leave as allowed. An employee who does not return to work at the end of the authorized leave period or upon exhaustion of the applicable leave allotment under this policy and the FMLA may be subject to termination.
- (f) *Interaction with Paid Benefits.* If the FMLA qualifying condition is the serious health condition of the employee, or of the employee's spouse, child, or parent, or for Military Caregiver Leave, then the employee must use accrued sick time concurrently with FMLA. If sick time is exhausted, the employee must use personal, then vacation time, concurrently with FMLA before the leave becomes unpaid. The employee may, but is not required to, supplement worker's compensation benefits with accrued but unused sick, personal or vacation pay to receive 100% of pay. For baby bonding and qualifying military exigency leave, the employee must use personal, then vacation time concurrently with FMLA before the leave becomes unpaid. Employees on unpaid family leave will not accrue any seniority, vacation, sick leave, or other benefits.
- (g) *Return to Work Certification.* As a condition of restoring the employee whose leave was occasioned by the employee's own serious health condition, the employee must obtain and present a certification to Human Resources from the employee's health care provider stating that the employee is able to return to work and perform the essential functions of the position to which s/he seeks restoration. The City may delay the employee's restoration until the employee submits an authentic and sufficient release to return to work.
- (h) *Restoration.* Unless the position has been eliminated for a reason other than the employee's absence, or the employee is a "key employee" whose restoration would cause grievous economic injury to the City, or the employee is terminated for some reason other than the FMLA absence, an employee who is released to return to work to perform the essential functions of the position within the FMLA allotment will be

restored to his/her position or to a position with equivalent benefits, pay and other terms and conditions of employment. To allow the City to make adequate scheduling arrangements and have work available for the employee upon returning to work, the employee must give at least 48 hours advance notice of the intent to return to work.

- (i) *Health Insurance Coverage.* During the FMLA covered absence, the City will continue to provide health care coverage under the same provisions as if the employee were actively working. If the employee fails to return from leave, the City can recover the premium(s) paid on behalf of the employee to maintain health care coverage during the absence. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

E-12. Non-FMLA Medical Leave

- (a) An employee who is not FMLA-eligible and who has a medical condition (physical or mental) that requires leave beyond that provided under the City's sick leave policy may request a leave of absence for a reasonable time for his or her own medical condition that requires absence from work. Medical certification verifying the medical necessity for the leave, and identifying the expected duration of the leave, must be submitted to support the leave request. Approval of a leave request under this policy, and the length of any such leave, will be analyzed based on the City's operational needs. The City reserves the right to seek an independent medical opinion of the medical need for the leave, and the duration of any such leave, under appropriate circumstances.
- (b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, and vacation leave or short term disability benefits (as applicable) during the leave; if such benefits are unavailable, the leave will be unpaid.
- (c) Within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work , the City will reinstate the employee to his/her original job, or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-13. Non-FMLA Maternity Leave

- (a) A pregnant employee who is not eligible for FMLA leave may request a leave of absence for childbirth and/or recovery therefrom. The City will provide a leave of absence for a reasonable period of time

following childbirth. Approval of a leave request under this policy, and the length of any such leave, are within the City's sole discretion.

- (b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, vacation and/or short term disability benefits to cover the leave; if such benefits are unavailable, the leave will be unpaid.
- (c) Following childbirth and within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work from the employee's health care provider, the City will reinstate the employee to her original job or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-14. Time Off for Victims of Domestic Violence and/or Sexual Assault.

- (a) The City provides excused leave from work for an employee who is the victim of domestic violence and/or of sexual assault for any of the following reasons:
 - To obtain, or attempt to obtain, any relief including a restraining order or other injunctive relief to ensure the employee's health or the health of the employee's child or children;
 - To seek medical attention for any injuries caused by domestic violence or sexual assault;
 - To obtain services from a domestic violence shelter, domestic violence program or rape or sexual assault crisis center; and/or
 - To make court appearances in the aftermath of domestic violence and/or sexual assault.
- (b) *Length of the Leave and Pay During Leave.* The maximum length of leave under this policy for any qualifying reason(s) will be the amount of the employee's earned, unused sick, vacation or personal time, or eight days per calendar year, whichever is greater. Once the employee's sick, vacation or personal is exhausted, the leave will be unpaid. If an employee is eligible for FMLA leave, and if the reason for the particular absence also qualifies for FMLA coverage, the leave will also be drawn down from the employee's annual FMLA allotment.
- (c) *Required Notice and Certification of Need for Leave.* An employee who needs to take time off work for any of the above purposes is required to give the City reasonable advance notice, unless such notice is not feasible. An employee who has provided advance notice will be allowed up to 48 hours after returning from the requested time off to provide supporting documentation, which may include a police report, a court order or other documentation from an appropriate medical professional, domestic violence advocate or counselor. If the absence is unscheduled, the employee must provide the support documentation

within 48 hours after the beginning of the unscheduled leave. Notice of the need to be absent for a reason qualifying under this Policy, and all required support documentation, should be provided to Human Resources.

- (d) *Confidentiality.* The City will keep confidential, to the extent allowed by law, both the fact that an employee requests or uses leave under this Policy, and all supporting documentation regarding the leave.

E-15 Other Leave/Absences.

- (a) *Meetings, Seminars/Training.* Any employee may be granted absence with pay to attend meetings, seminars and conventions related to the employee's work for the City when such attendance is authorized by the employee's Department Director. These absences will not be charged as vacation leave.
- (b) *Leave of Absence.* An employee, upon written request, and with the recommendation of his/her Department Director, may be granted a leave of absence without pay or benefits for a period of up to six months, subject to the approval of the City Administrator. These absences will not be charged as vacation leave. The City cannot guarantee that the position will be available upon the employee's return. No time off benefits or seniority accrue during this leave of absence.

E-16. Request for Leave/Leave Accounting. Leave records shall be maintained by the Human Resources through the payroll accounting system. Department Directors shall be responsible for approval of all subordinates' leave requests. The City Administrator shall be responsible for approval of leave requests for Department Directors, the City Clerk, or any other direct report of the City Administrator. Leave accounting shall be accomplished via a form available from Human Resources and shall be returned to Human Resources upon completion.

E-17. Credits for Paid Leave. An employee while on paid sick leave, vacation leave, workers' compensation leave, or other paid leave shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement – OASDI Benefits (Old Age Survivor and Disability Insurance). All eligible employees and Governing Body members elected after April 1, 1986 of the City are under the federal OASDI Social Security System, and receive appropriate benefits in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution accomplished via payroll deduction.

F-2. Retirement – KPERS and KP&F Benefits.

- (a) All eligible employees (other than police officers) of the City become members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof after enrollment, in accordance with state laws and guidelines. All employees who are contributing members of KPERS are eligible for the

insured death and disability benefits provided by KPERS, which is supplemental to the regular KPERS benefits.

- (b) All full-time police officers become members of the Kansas Police and Fire (KP&F) plan in accordance with state laws and guidelines with eligibility beginning the first day of employment. In addition to the retirement and death benefits, KP&F also provides the employee with disability coverage.

F-3. Workers' Compensation Benefits. Any City employee who sustains a work-related injury or illness may receive the benefits of the Kansas Workers' Compensation Act in accordance with such law and guidelines.

F-4. Unemployment Compensation. City employees may qualify for benefits under the Kansas Employment Security (unemployment compensation) Act in accordance with such law and guidelines.

F-5. Life Insurance. In addition to the death benefits provided under OASDI and KPERS/KP&F, the City provides life insurance for regular full-time employees. The cost of this benefit is paid entirely by the employer.

F-6. Deferred Compensation. All employees may choose to participate in IRS 457 deferred compensation plans offered by the City. Under the plans offered, the employee determines the amount of compensation to be withheld annually by the City in compliance with the minimum and maximum allowed by Federal law. The amount selected is forwarded by the City to the employee's selected account and is subject to IRS guidelines.

F-7. Supplemental Retirement.

- (a) **Principal Financial Group.** A non-contributory 401(a)4 money purchase plan is provided for employees not enrolled in KP&F who meet plan eligibility requirements. The City contributes two percent (2%) of each applicable employee's gross salary on a per payroll basis. A vesting schedule is available from the Human Resources Department.
- (b) **Eligibility.** Employees who have completed one year of service and who have worked more than 1,000 hours during that period and are 21 years of age are eligible to participate in the supplemental retirement plan.
- (c) **Money Purchase Thrift Plan.** A contributory money purchase thrift plan currently with Principal Financial Group is also available for employees not enrolled in KP&F who meet plan eligibility requirements. Each applicable employee may voluntarily contribute during the year an amount not to exceed ten percent of his/her current compensation.

F-8. Health Care Program. Upon employment, all employees regularly scheduled for 30 or more hours per week shall be eligible for the City's group health care insurance program. A part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.

- (a) The City may require employee participation in the cost of benefit premiums.

- (b) When an individual employee is required to contribute because of participation in the City's group health care program, the amount of such contribution shall be a payroll deduction. Health insurance payroll deductions qualify for tax exemption under the City's IRS 125 (flexible spending account) plan and, therefore, are not eligible for deduction by the employee for income tax purposes after year-end.
- (c) An employee on workers' compensation leave will have the employee's share of the cost deducted from any compensation due the employee. In the event no compensation is due, insurance may be extended at the option of the employer and in accordance with Family Medical Leave, if it applies.
- (d) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (e) The City complies with those provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan care coverage upon termination of city employment. Under no circumstances shall any retired or disabled person, or spouse, or domestic partner, thereof, who has attained the age of 65 or qualifies for Social Security Administration Medicare coverage, remain on the City's insurance plan.

F-9. Other Insurance. The City provides the opportunity for full-time employees and their qualified dependents to access voluntary dental, vision, life, cancer, accident, and other insurance protection through payroll deduction from third-party provider(s). The City participates in the cost of these coverages as established by the City Council on an annual basis.

F-10. City Recreation Facilities. Community center and outdoor pool memberships are provided for full-time employees and their families, and individual memberships for regular part-time employees at no cost to the employee. The cost of the membership is considered a taxable benefit for the employee. Part-time, seasonal and temporary employees are not eligible to receive this benefit.

F-11. Educational Reimbursement. All full-time employees who have been employed by the City for at least one year are eligible for educational reimbursement, as long as the educational opportunity for which reimbursement is sought benefits the employee in the performance of his/her job. Reimbursement will be made after the employee provides proof of completion of the course with at least a 2.0 grade on a 4.0 scale for undergraduate/associate degrees and a 3.0 on a 4.0 scale for graduate degrees. Approval of the City Administrator with Department Director recommendation is required prior to enrollment, subject to budget and funding availability, and the amount may not exceed \$2,000 for any one employee during a calendar year. Employees participating in this program must complete one year of employment for the City following reimbursement; an employee who voluntarily resigns, or who is terminated "for cause," before that time will be required to repay the City any reimbursement provided.

- (i) If a retired employee or spouse fails to make his/her percentage portion of any required premium payment on time, coverage will terminate and will not be reinstated.
- (j) If a retired employee becomes eligible under a health plan from another employer, this coverage will terminate.
- (k) The City will review annually the program of employer-paid retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the retired employees. Any such amendment, modification or termination may apply to current participants in the program as well as to future participants.
- (l) The retiree premium subsidy may be applied to health insurance (medical plan) benefits only. Retirees may elect to continue dental and vision benefits in accordance with applicable COBRA provisions and 100% of applicable premiums will be the responsibility of the retiree.

F-13. Disability Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for 50% of the monthly premium for the following disabled employees, under the following circumstances and to the following extent:

- (a) Such employee has been adjudicated as being disabled by the Social Security Administration.
- (b) The City will pay 50% of medical benefit cost, not to include dental or vision, until the disabled employee receives Medicare benefits.
- (c) Employees who wish to participate in this coverage must elect to do so within 30 days following the date of disability determination/adjudication.
- (d) This 50% premium subsidy is available only to disabled employees and their spouses. Status of employee versus employee plus spouse is determined upon date of disability. A spouse may not be added nor a different spouse substituted after that date. The City's 50% participation is limited to applicable employee or employee and spouse premium amount.
- (e) Employee and child or family insurance coverage may be purchased by disabled employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's 50% is limited to employee (applied to employee and child) or employee and spouse (applied to family) basic premium amount.
- (f) Notwithstanding subsection (b), this coverage will cease when a disabled employee reaches age 65.
- (g) In the event of the disabled employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or

availability of coverage by spouse's employer. The qualifying spouse shall be responsible for 50% of the monthly premium.

- (h) If a disabled employee or spouse fails to make his/her portion of any required premium payments on time, coverage will terminate and will not be reinstated.
- (i) If a disabled employee becomes covered under a health plan from another employer, this coverage will terminate.
- (j) The City will review annually the program of employer paid disabled retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the disabled employees. Any such amendment, modification or termination may apply to current participants in the program, as well as to future participants.

F-14. Retirement/Disability Health Insurance Annual Renewal.

Any retired or disabled employee taking advantage of the coverage offered by F-12 or F-13 above, may be required, on or before October 15th of each year, to produce, in writing from the Social Security Administration, proof of ineligibility for Social Security Medicare benefits in order to remain on the City's health insurance coverage. Failure to do so may result in termination from the City's plan.

F-15. Personal Information and Data.

It is the policy of the City of Mission that protected health information, and/or genetic information, and personal data will be used and disclosed in a manner that respects employees' right to privacy, and only in accordance with privacy regulations and applicable law.

The City will only collect personal information for employees and others if it is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the City includes employee names, addresses, telephone numbers, email addresses, emergency contact information, EEO data, social security numbers, driver's license numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials, credit card information, bank accounts, and other similar information. All pre-employment inquiry information and reference checking records conducted on employees and former employee files are maintained in locked, segregated areas.

Personal information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information or in compliance with valid legal process. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access.

City-generated information, which may include organizational charts, department titles and staff charts, telephone directories, e-mail lists, facility or location information and addresses, is considered by the City to be proprietary information to be used for internal purposes only. The City maintains the right to communicate and distribute such information as it deems necessary to conduct business operations.

Examples of the release of personal employee information that will not be considered a violation of City policy include the following:

- Partial employee birth dates, i.e., day and month may be shared with Department Directors who elect to recognize employees on such dates.
- Personal telephone numbers or e-mail addresses may be distributed to Department Directors in order to facilitate work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes may be shared with Department Directors.
- Employee's employment anniversary or service recognition information may be distributed to Department Directors periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.
- Employee and dependent personal information may be shared with plan providers as required for claims handling or record keeping needs.
- All information available under the Kansas Open Records Act.

If an employee becomes aware of a material breach in maintaining the confidentiality of any confidential information, the employee should report the incident to the Human Resource Specialist who will investigate, or refer to the appropriate department, all incidents of alleged material breaches of confidentiality in order that appropriate corrective action may be taken.

F-16. Travel and Training.

In order to encourage professional development, it is sometimes necessary to send employees to professional conferences and training both inside and outside the local area. When travel is required, the City reimburses for reasonable, approved and documented travel-related expenses for attending professional conferences and training courses that provide mutual benefit for both the employee and the City, in accordance with City policies. In specific circumstances, the City may consider advancing expenses with specific approval from the Department Director and City Administrator. As a general rule, however, advances are not available.

- (a) Employees must receive approval from their Department Director prior to registering for training. Approval is based on departmental needs, available funding and other factors.
- (b) Employees are responsible for turning in all travel related receipts and documentation within fourteen (14) calendar days after returning from City related travel.
- (c) Authorized Expenses
 - (1) Registration
 - (2) Transportation. The City will cover the cost of the most economical of the following three modes of transportation:
 - Personal vehicle
 - Commercial carrier – tourist class or most economical airline
 - City Vehicle
 - (3) Lodging. The City will cover the cost of reasonable single lodging expenses. When an employee's spouse accompanies the employee, the City will absorb the cost of the double occupancy rate. The employee is responsible for the spouse's commercial carrier expense.
 - (4) Meals
 - (a) Overnight travel. When an employee is required to travel away from home overnight for city business the meals will be provided/reimbursed by the City and are excludable as wages to the employee under IRS regulations.
 - (b) No overnight travel. When no overnight travel is required, meals will be the responsibility of the employee.
 - (5) Pay for travel: The City complies with all laws and regulations regarding payment of travel time and work time for non-exempt employees during external training. Hours expectations should be reviewed with the Department Director prior to attending the training.

F-17. Per Diem and Mileage. A per diem amount equal to the daily Federal rate for various cities for approved travel and training attendance on behalf of the City is authorized. Mileage reimbursement for the use of one's personal vehicle on behalf of the City shall be at the approved IRS mileage rate in effect at the time. To be reimbursed for mileage, the employee must submit a request for reimbursement stating where the travel was to, and for what purpose, along with the number of miles for the trip and the amount requested for reimbursement. This payment is excludable as a wage as it is a business connection and adequate accounting/substantiation has been made. All requests for per diem and reimbursement shall be submitted to the Department Director for approval prior to travel. The City is not responsible for expenses incurred without proper approval.

F-18. Reimbursement Policy for Non Attendance at City Scheduled Functions. Occasionally staff members may be scheduled to attend functions for which the City has paid in advance. The following procedure shall apply if the individual(s) fail(s) to attend the function and the City is unable to obtain a refund.

- (a) Proposed attendee should carefully consider projected date and make every effort to ensure his/her schedule permits attendance prior to making a commitment on behalf of the City, make every effort to attend, i.e. do not take on subsequent commitments.
- (b) Staff/attendee should have clear understanding of "last cancel date for refund."
- (c) If attendee must cancel, advise City Administrator or Department Director as far in advance as possible.
- (d) Cancellation should be based on "good faith" reason, i.e., unforeseeable personal or family illness, or a death requiring attention of participant, or an unavoidable and serious conflict of personal nature that will cause undue hardship to the attendee or an unforeseen, work related emergency.
- (e) Staff/individual involved should attempt to find substitute attendee; staff will arrange to replace original attendee, if possible.
- (f) If "good faith" effort is made to attend, City will not seek reimbursement from original attendee.
- (g) If substitute attendee cannot be provided, staff/individual will seek reasonable reimbursement from program, if possible, prior to seeking individual reimbursement.
- (h) Final decision on individual reimbursement requirement will rest with the City Administrator.

F-19. City Provided Vehicles. Vehicles owned by the City are not to be used for personal use except for commuting to and from work or de minimis personal use (within 2 miles of the most direct route to and from work) as allowed by IRS regulations. The personal use of a City owned vehicle will be a taxable benefit to the employee. The City will determine the rule which will be used to value this benefit based on the IRS regulations in effect when the vehicle is assigned to the employee. A list of employees eligible to take City owned vehicles home will be approved annually by the City Administrator.

F-20. Cell Phones. Employees whose work requires that they be accessible by cell phone will be provided a monthly phone allowance paid to the employee through the payroll system and considered a taxable benefit. The dollar amount of the monthly allowance will be determined by the Department Director and approved by the City Administrator annually. Employees may not use their cell phone cameras to photograph non-public documents or information. Likewise, employees are required to respect the privacy of individuals who come to City Hall or other municipal buildings for city business purposes.

F-21. Purchasing Cards. Employees may be issued a purchasing card (P-Card) in accordance with a program authorized by the Governing Body. Employees will be required to comply with all P-Card programs policies and

procedures in accordance with a user agreement signed at the time the card is issued. Failure to comply with the terms of the program may result in disciplinary action up to and including termination.

ARTICLE G. DISCIPLINE.

G-1. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to work and perform in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he/she does and in helping the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of his/her job, it may be necessary for his/her Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her behavior. Disciplinary action includes a process which may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal of an employee or appointed official.

G-2. Issue Resolution. The City respects and values the opinions and views of all employees. The City supports employees' efforts to bring to the attention of management their questions, concerns, dissatisfaction, or complaints about work-related situations other than alleged harassment and/or discrimination. Reports of alleged harassment and/or discrimination must be raised in accordance with Article J. Employees are advised to communicate their problems or concerns, without fear of retribution, and receive fair and prompt resolution or explanation. Employees are encouraged to bring their concerns first to their supervisor. However, if the employee feels that the supervisor did not satisfactorily resolve the matter, they must submit their issue in writing to their Department Director or, if appropriate, the City Administrator. The issue will be addressed as soon as is practicable and the decision of the City Administrator is final.

G-3. Improper Conduct.

The following is a list of conduct which could result in disciplinary action, up to and including discharge. This list does NOT include every situation, but includes examples only.

1. Conviction by a court of law, or entering into a guilty or no-contest plea, of a violation of the criminal laws of the United States of America or any State. A criminal conviction will not necessarily result in adverse employment action. Factors such as the seriousness of the offense, the nature of the offense, and the relationship of the offense to the employee's position will be taken into consideration.

2. Unnecessarily unsafe or abusive operation of City vehicles or equipment.
3. Violation of City policies pertaining to performance and/or conduct.
4. Incompetent, negligent or unsatisfactory performance.
1. Dishonesty (either by affirmative misrepresentation, or by omission or concealment of material information) in any matter involving the City, or in any matter not directly involving the City, but which could reflect negatively on the City or interfere with the employee's ability to perform his or her job.
2. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee while on duty, or off-duty where such conduct reflects adversely on the City or interferes with the violating employee's ability to perform his/her job.
3. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee utilizing the City's property or technology.
4. Improper political activity as defined in the Conflict of Interest Policy.
5. Being insubordinate, threatening, intimidating, rude or assaulting a manager/supervisor. Co-worker, citizen or vendor.
6. Intentional falsification of personnel records, time-sheets or other City records.
7. Carelessness, neglect or misuse of City funds or property, including theft, misappropriation and unauthorized private use.
8. Discussing with unauthorized persons any confidential, non-public information gained through City employment.
9. Improper conduct, behavior, or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital_status, or any other status protected by applicable law, whether or not such conduct constitutes legally actionable harassment.

G-4. Disciplinary Procedure.

It is the policy of the City that any employee whose performance is unsatisfactory or who violates any of the City's rules and regulations or standards of employee conduct and behavior shall be subject to disciplinary action. The following disciplinary actions are authorized but should not be considered exclusive, and are in every instance discretionary, based on the specific circumstances. The City reserves the right to adopt whatever level of discipline it deems appropriate in the situation, and may skip any level, including moving directly to termination.

- (a) Oral Reprimand
The supervisor should take the following action:
- Meet with the employee to discuss the matter.

- Inform the employee of the nature of the problem and the action necessary to correct it
 - Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place
- (b) **Written Reprimand**
The supervisor should take the following actions:
- Meet with the employee to discuss the matter.
 - Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
 - Review the written report with the employee. After discussing the report, both the supervisor and employee should sign the report.
 - Forward to the Human Resources Specialist and City Administrator the written report of the violations and the action taken with the employee. Such report shall become a part of the employee's personnel file.
- (c) **Suspension, Demotion, or Dismissal**
The supervisor should take the following actions:
- Meet with the employee to discuss the matter.
 - Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
 - Share the report with the Department Director, who in turn will recommend to the City Administrator suspension of the employee without pay for up to five working days, demotion to position in a lower pay grade, or termination.
 - Once a determination is made of the appropriate disciplinary action, the supervisor and/or Department Director will meet with the employee to share the report. Both the employee and the Department Director should sign the report, and it will become a part of the employee's personnel file.

The above steps may be disregarded if the supervisor or Department Director feel that it is warranted by the severity of the situation. The supervisor may at his/her discretion discipline the employee and, if appropriate, recommend immediate termination of the employee.

No employee sick leave or vacation leave benefits shall be paid or accrued to any employee while they are subject to a disciplinary suspension. In the case of acts of violence or other flagrant misconduct, allegations of harassment or discrimination, serious safety violations, criminal offense, or any other matter deemed appropriate, an employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

G-5. Causes for Termination.

While all employees are employees at will and, therefore, subject to termination without cause, incidences may arise where an employee's conduct could result in termination for cause. Some incidents of misconduct may be deemed so serious that they are cause for immediate termination. The following list is not all-inclusive; it is only representative of the types of misconduct which may subject an employee to immediate termination. Causes for

termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination:

- (a) Conviction of a felony or conviction of driving under the influence.
- (b) Testing positive for alcohol or drugs while operating a City vehicle.
- (c) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (d) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (e) Negligent or willful damage to public property or waste of public supplies or equipment.
- (f) Taking or using any funds or property of the City for personal use or for sale or gift to others, or submitting any false claim to the City.
- (g) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (h) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Director, or knowingly making a false statement to any employee or officer of the City.
- (i) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (j) Absence without approved leave.
- (k) Possession or use of alcohol, while on duty. Sale of or offering for sale or giving away alcohol while on duty or at any City of Mission property.
- (l) Illegal use or possession of any drug or controlled substance, or the illegal presence of any drug or controlled substance in the employee's body at any detectable level while on duty.
- (m) Improper conduct, behavior or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law, whether or not such conduct or behavior constitutes legally actionable discrimination, or any other kind of disruptive, discourteous, or unprofessional behavior.
- (n) Disclosing or using confidential, non-public records or information in conflict with City policy.
- (o) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.
- (p) Material falsification of application or in the course of the interview process for city employment, or making a false statement or report in regard to any test, certification or appointment, or any attempt to commit any fraud that violates the merit principles of personnel administration.

- (q) Giving or attempting to give or receive any monetary consideration, or receive or deliver of undeserved service, to or from any person or organization for, or in connection with, any test or appointment, or City service of any kind.
- (r) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his/her position in the service of the City.
- (s) Discharge of duties in a manner which results in discrimination to any person on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (t) Violent or abusive behavior.
- (u) Any behavior that negatively affects the workplace or co-workers.

ARTICLE H. GRIEVANCES

H-1. General Policy. Any employee, or appointed official, has the right to present a complaint or grievance concerning termination of his/her employment or appointment. A sincere attempt should be made by each employee and supervisor to resolve any issue before it becomes necessary to resort to the grievance procedure. Complaints or reports of harassment or discrimination must be submitted and administered under Article J.4 below.

H-2. Grievance Procedure. The following grievance procedure is established:

- (a) Any complaint or grievance shall initially be filed by the employee with his or her supervisor within seven (7) days of the notice of termination. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven (7) business days or as soon thereafter as possible. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to his/her Department Director, who shall provide an answer to the employee within five (5) business days or as soon thereafter as possible.
- (b) If the termination is upheld by the Department Director, the employee may forward his/her written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she has informed the Department Director of his/her intentions to do so. The City Administrator will administer a decision within five (5) business days or as soon thereafter as possible. The decision of the City Administrator will be final and binding.

H-3. Grievance Toward City Administrator. Grievances toward City Administrator shall be brought to the attention of the Governing Body through the Mayor. The Governing Body shall provide an answer within seven (7) days of the notice of termination. The decision of the Governing Body will be final and binding.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his/her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her immediate supervisor or Department Director. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Director. The City Administrator, City Clerk and Department Directors shall give thirty (30) calendar days written notice. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator or Mayor.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 90 calendar days following separation may be reinstated under the terms of Section C-2 Recruitment, (f) Rehire. Employee will be reinstated at the salary he/she was receiving at the time of termination unless approved by the City Administrator.

ARTICLE J. ANTI-HARASSMENT

J-1. General Policy. It is the policy of the City to maintain a work environment free of discrimination, harassment, intimidation, humiliation, insult, physical, or verbal abuse or actions based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law. To insure that this policy is strictly adhered to, the City will not tolerate sexual or any other type of illegal harassment or discrimination by or toward any of its employees, and will take immediate disciplinary or other appropriate action toward any individual who violates this policy. The City will also not tolerate any disrespectful, vulgar or otherwise offensive or unprofessional behavior that may not rise to the level of illegal improper behaviors. The City does not have the ability to act on improper behavior that is not reported. Thus, employees are required to report any conduct or behavior they witness or experience that may violate this policy. The City prohibits retaliation against any employee who, in good faith, reports any behavior that may violate this policy, participates in any investigation of such a report, or is closely associated with another employee who does so.

J-2. Definition. Prohibited harassment is defined as:

- (a) The threat or insinuation by a supervisor or person in successive authority toward a subordinate employee, either explicitly or implicitly, that the subordinate's submission to or rejection of unwelcome sexual advances

will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and

- (b) The subjecting of an employee, by a supervisor, employee, government official, citizen, or other person, to unwelcome conduct, verbal, physical, visual or otherwise, based on any legally protected status or characteristic, which creates an intimidating, hostile, or offensive working environment for a reasonable person.

J-3. Policy.

- (a) No employee, whether supervisory or nonsupervisory, may harass another employee based on any status protected by applicable law. Nor may any government official, citizen, contractor, or other person engage in prohibited conduct toward any City employee in connection with that employee's employment. Prohibited conduct based on of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law, includes but is not limited to the following:
 - (1) Unwelcome touching, propositions, advances;
 - (2) Abusive or vulgar language epithets, slurs, stereotypic insults, joking or teasing based on any protected status;
 - (3) Suggestive stereotypic, insulting or degrading jokes or comments;
 - (4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, or similar material based on other protected status including but not limited to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (b) Any employee who believes that he/she has witnessed or experienced behavior that may violate this policy shall immediately report all as set forth below in Section J-4. If the allegation involves the City Administrator, such report shall be made immediately to the Mayor.
- (c) All complaints involving claims of discrimination or harassment shall be promptly investigated; the existence of the complaint and the investigation will be treated as confidentially as practical to conduct the investigation.
- (d) Any employee, supervisory or nonsupervisory, found to have violated this policy, whether or not the violation constitutes illegal harassment, will be disciplined, up to and including discharge. Non-employees whose behavior is to have found violated this policy will be dealt with as appropriate to ensure that inappropriate behavior ceases and does not recur.

J-4. Complaint Procedure. Any employee who feels he/she has witnessed or experienced conduct, behavior or communication that may violate this Policy should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- Employee's immediate supervisor.
- Employee's Department Director.
- Other supervisory personnel.
- Human Resources.
- City Administrator.

The employee should be prepared to provide the following information:

- Employee's name, department and position title.
- Name of the person or persons engaging in the prohibited conduct.
- Date(s) and approximate time(s) of the prohibited conduct.
- The specific nature of prohibited conduct, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the prohibited conduct, or any other threats made against him/her in connection with result of the prohibited conduct.
- Witnesses to the prohibited conduct, if any.
- Whether the employee has previously reported such prohibited conduct and, if so, when and to whom.

After receiving a complaint of prohibited conduct under this Policy, the person receiving the complaint shall immediately advise Human Resources, who will designate someone to assist the employee filing the complaint to document the incident in writing. (If the allegations are about the City Administrator, see J-6 below.) The employee may be requested to sign the written complaint, attesting to the accuracy and truthfulness of the incident.

All information related to the investigation of such a complaint will be treated as confidentially as possible and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter, or as required by valid legal process.

J-5. Review of a Complaint Under this Policy. It is the responsibility of the City Administrator to coordinate and investigate (or designate another suitable individual to coordinate and/or investigate) any complaint brought pursuant to this Policy. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to Human Resources.
- (b) Human Resources will promptly initiate an investigation.

- (c) The investigator shall keep a written record of the investigation, including notes of any oral responses made to the investigator by the complainant, any witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person (other than legal counsel) contacted by the investigator in connection with the investigation.
- (d) The investigator shall notify the employee accused of the violation as promptly as possible of the complaint and the severity of the allegations. (Immediate notification is not necessary if such notification would jeopardize the investigation.) The employee accused of the violation will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint. Likewise, the employee accused of the violation will be instructed not to tamper with the investigation efforts.
- (e) For the protection of the complainant, the person accused of violation, and any witnesses involved in the investigation, unless there is a specific operational necessity to do so, Human Resources, in consultation with the City Administrator may determine in their sole discretion that the Department Director and/or supervisor of either the complainant or the employee accused of the violation (or both) not be informed of the complaint, the investigation, or the outcome of the investigation. If the Department Director and/or supervisor is notified of the complaint and/or investigation, s/he will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint or investigation.
- (f) The employee accused of the violation may be given appropriate opportunity to refute the allegations and present information and/or suggest witnesses to be interviewed on his/her behalf.
- (g) Based on the investigative report, Human Resources shall determine whether the conduct of the person against whom a complaint has been made constitutes a violation of City policy. In making that determination Human Resources shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. Determination of whether City policy has been violated will be made on a case-by-case basis. Conduct need not constitute illegal harassment to violate City policy.
- (h) After completion of the investigation, in accordance with paragraph (e) above, Human Resources may discuss the recommendations (if any) regarding the employee who was the subject of the complaint, with the employee's Department Director and supervisor, and City Administrator as appropriate. Appropriate disciplinary steps (if any) will be determined and implemented upon approval of the City Administrator. If a violation is found, the City Administrator will report the findings/discipline to the Governing Board.

- (i) Any disciplinary action shall be consistent with the nature and severity of the offense. Considerations may include, but are not limited to, whether there have been previous counseling or discipline, whether the offending party is in a supervisory position, and any other factors the City Administrator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense if it were known, and the light in which it would cast the City if known. The disciplinary action may include demotion and/or suspension, dismissal, oral or written reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- (j) If Human Resources determines that no violation of policy has occurred, he/she shall notify the employee accused of the violation of the determination and advise that no disciplinary action is warranted. In that case, only those who have a direct need to know of the situation will be informed of the existence of the complaint, the investigation, and its outcome.
- (k) If Human Resources determines a policy violation has occurred, the violating employee will be notified of that determination and the resulting corrective action be administered. Only those who have a legitimate need to know of the investigation and resolution (including any discipline for any employee found to have violated the policy) will be informed of the existence of the complaint, the investigation, and its outcome.
- (l) The employee making the complaint shall be notified in general of the results of the investigation. If appropriate, the complaining employee may be notified of the discipline, if any, to be administered. In any event, the investigation file will remain confidential.

J-6. City Administrator. In the event the City Administrator is the subject of the investigation, Human Resources will assist the Governing Body in the process and resolution.

J-7. Records of a Complaint and Investigation. All records concerning a complaint and investigation under this Policy shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only to City representatives with legitimate need to have access, and only with approval by the City Administrator and/or in response to valid legal process.

ARTICLE K. POLITICAL ACTIVITY.

K-1. General Policy. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this article.

K-2. Activities.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office, or issues impacting Mission, or where holding an appointive or elective public office is incompatible with the employee's City employment.
- (b) City employees may support candidates for other offices and may contribute labor to candidates and organizations that endorse candidates other than for City office. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office.
- (c) Any employee desiring to become a candidate for City elective office shall first take a leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken a leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (d) Political activity of any nature must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person during duty hours on any City property for any candidate or issue.
- (e) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (f) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City service on the basis of their political affiliations or activities.

ARTICLE L. OUTSIDE EMPLOYMENT.

L-1. General Policy. Outside employment constitutes a City employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial or ethical conflict of interest results from such dual employment. To allow the City to analyze whether all of the above criteria are met, a City employee must disclose the proposed outside employment before it is accepted, or upon hiring by the City, whichever occurs later.

ARTICLE M. WORKER SAFETY.

M-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action. Specific safety policies and procedures are included in the City's Employee Safety Manual.

M-2. Substance Abuse. As a part of the City's commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City has established the policy on the use or abuse of alcohol and illegal use of drugs by its employees. This policy is explained in detail in section N-5.

M-3. Drug and Alcohol Policy.

- (a) All non-elected City employees, including full-time, regular part-time, appointed, seasonal and temporary employees, are covered by this policy.
- (b) In its desire to provide a drug free, healthy and safe workplace, the City requires all of its employees to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on City property and while conducting business-related activities off City premises, no employee covered by this policy may use, possess, distribute, sell or be under the influence of alcohol; nor may such an employee illegally use, possess, distribute, sell or illegally have in his/her body in any detectable amount, of any controlled substance or drug. The legal use of prescribed drugs is permitted on the job only if the use does not impair an employee's ability to safely and effectively perform the essential functions of the job, or does not endanger the employee or other individuals in the workplace. Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.
- (c) Drug and alcohol testing of applicants/employees may occur in the following situations: in the case of any applicant applying for a City position (regardless of full-time, part-time regular, part-time, seasonal or temporary), after an offer of employment is made; when there is reasonable suspicion of drug/alcohol use on premises or during working hours; and following an accident, where there is reasonable suspicion that drug/alcohol use by the employee may have contributed to the accident. Random, unannounced drug/alcohol testing of all employees holding safety-sensitive jobs that require a Commercial Driver's License (CDL) will be conducted on a routine basis. Any employee who refuses to take an alcohol or drug test under this policy, or who tampers with or attempts to tamper with such a test, will be subject to disciplinary action, including, but not limited to immediate termination. All employees of the City are provided with and acknowledge receipt of the City's drug and alcohol policy, Section N-5. Substance Abuse by a signed acknowledgement of the Personnel Policy and Guidelines.

(d) The City offers an Employee Assistance Program that employees voluntarily seeking assistance can utilize. Seeking assistance after a drug or alcohol test has been requested, or after a violation of this Policy has been detected, will have no effect on discipline imposed on that employee.

M-4. Worker's Compensation. City employees are covered by state Workers' Compensation law. To comply with this law, an employee injured on the job, regardless of how minor the injury, must report such incident to his/her Supervisor immediately, but no later than 24 hours following the incident. The supervisor will arrange for proper medical care and will complete any injury report forms required under the Workers' Compensation law. Because reporting injuries is key to the overall safety program at the City of Mission, failure to timely report any injury may result in disciplinary action.

M-5. Returning Injured Employees to Work. It will be the policy of the City of Mission to return employees to work as quickly and safely possible, within the restrictions provided by the physician. However, due to the size of the City's staff, light duty assignments are limited, and cannot be guaranteed. Department Directors, the City Administrator, and/or supervisors will be responsible for attempting to find productive work for each injured employee. The City will attempt to identify alternative or modified work-duty tasks when available.

Temporary restricted duty work reassignment need not be confined to the current department or pay rate to which the employee is assigned at the time of injury. The Department Director will review the temporary restricted duty work reassignment within 30 days. Extensions will be determined by the Department Director and the City Administrator. Light duty assignments will typically not last longer than 90 days.

Returning injured employees to work as soon as possible benefits both the employee and the City of Mission; therefore, the City shall adhere to this policy. Any questions concerning this policy should be addressed to Human Resources.

This policy in no way may be used to diminish the rights and privileges of employees under provisions of the Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

ARTICLE N. OTHER POLICIES.

N-1. Reasonable Accommodation for Disability and/or Religion: The City of Mission offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but who can perform the essential functions of the job, with or without reasonable accommodation. The City will provide a reasonable accommodation upon request for known or disclosed disabilities, provided that the accommodation does not create an undue hardship

on the City. Qualified individuals with disabilities may make requests for reasonable accommodation to Human Resources. The City reserves the right to require medical certification of the condition necessitating the requested accommodation, as well as the need for the requested accommodation. Any such medical certification must be submitted to Human Resources, and will be treated confidentially, and maintained in a confidential medical file separate from the regular personnel file. Similarly, the City offers reasonable accommodation; to the extent it does not create an undue hardship, for an employee's religious beliefs or observances. Requests for reasonable accommodation for religion may be submitted to Human Resources.

N-2. Technology Policy: This policy will establish guidelines for the use of the City's computer, communication and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the mission of the City, and to discourage or eliminate inappropriate use of the equipment. Equipment subject to this Policy will include, but is not limited to, all computers and related hardware and software, voice mail, electronic mail, internet access, internet e-mail, phone systems, network systems, voice and data communications, printers, copy and fax machines, any digital or other type of recorders, cameras, pagers, radios and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public funds. Violation of any provision of this policy may result in disciplinary action up to and including termination, and/or where applicable, legal action.

All users of the City of Mission's technology equipment must adhere to City, State, Federal and International laws governing the use of such equipment. All users of the City of Mission's technology equipment should strive to use such equipment in an efficient, effective, and appropriate manner consistent with the City's mission, and must avoid unethical, unauthorized, inappropriate or any other use of such equipment in a manner inconsistent with good stewardship of public resources.

Use of the City's technology equipment for improper political advocacy, threats, harassment, slander, defamation, profane, obscene or suggestive messages and images, political endorsements, personal activities or gain, commercial activities, or for the production or dissemination of any material which is discriminatory, degrading, insulting or stereotypic with regard to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law is prohibited. E-mailing objectionable, unprofessional or inappropriate information from a City e-mail or to a City employee at their City e-mail is also prohibited. Employees should greatly restrict their use of City email for personal emails.

- (a) **No Expectation of Privacy:** No individual or group utilizing the City's technology equipment should have any expectation of privacy in their use of the City's technological equipment. The equipment, and all communication and traffic flowing through the equipment, is managed by the City for the purpose of City business, and authorized representatives of the City may access any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes. Authorized representatives of the City may, without further notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by the City staff.

Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received, electronic files stored on the City's network, and internet sites visited.

Management reserves the right to access, without notice, data or text caches, pager, memory banks, e-mail, voice mail boxes or accounts, and other employer provided electronic storage systems.

All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is considered City property, and may be accessed by authorized representatives of the City.

- (b) **General Computing and Network Policy:** Users of the City of Mission's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.
- (1) Encryption of communications will be allowed only if it is determined to be necessary for the protection of citizens or employees, or is determined to be an integral part of an employee's performance of their assigned work.
 - (2) No "bios" (basic in and out system) passwords will be allowed unless approved by the Systems Manager or his/her designated representative.
 - (3) Users of the City's network services shall not intentionally disrupt or damage any components of the system.
 - (4) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent, or City authorization for a legitimate purpose, is prohibited.
 - (5) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords is prohibited.

- (6) Any attempt to secure system access privileges other than those assigned by the System Manager or his/her designated representative is prohibited.
 - (7) Decryption of system or user passwords is prohibited.
 - (8) The copying or deleting of any software without the authorization of the System Manager is prohibited.
 - (9) Infringement on software licenses and copyrights is prohibited.
 - (10) No software may be loaded onto the City's network, or any component of the network, without the advance approval of the System Manager or his/her designated representative.
 - (11) The intentional introduction of computer viruses or other disruptive programs into the City's system is prohibited.
 - (12) Sharing of passwords with other users is prohibited.
- (c) **Guidelines for use of Electronic Mail Systems:** Electronic mail, in general, lends itself to a more relaxed and less guarded method of communication, which could lead to misunderstandings and unwarranted liability. All users should adhere to the following guidelines to ensure that City systems for electronic mail production and delivery are used in a manner consistent with the City's policies and practices of quality public service.
- (1) All electronic files and messages on the City's systems are periodically backed up, and generally available for re-creation even if erased.
 - (2) Do not put anything into an electronic mail message that you would not broadcast to the general public.
 - (3) Excessively accessing personal e-mail accounts using the City's network/internet/e-mail systems is prohibited.
 - (4) In all electronic mail communications, be polite and use appropriate language.
 - (5) To help efficiently manage network storage resources, delete all messages from the electronic mail system when they are no longer needed.
 - (6) Be aware that Internet electronic mail transmissions can easily be intercepted and read by others.
 - (7) Do not use electronic mail to send illegal or inappropriate messages.
 - (8) Do not use the City's electronic mail system for sending "junk mail" or "chain letters."
 - (9) Never send electronic mail from someone else's account or electronic mail address posing as that person.
- (d) **Policy on Internet Access/Use:** Use of the Internet should be limited to City business. Accessing "adult entertainment", pornography, illegal, suggestive, racial, ethnic or religious, or other inappropriate material

via the Internet at any time from any City facility using either individually-owned or City technology equipment is prohibited. Excessive use of the Internet for personal use during work time may be grounds for disciplinary action up to and including separation of employment.

N-3. Personal Appearance. City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities and as prescribed by departmental policies.

N-4. Workplace Violence. The City of Mission expressly prohibits any acts or threats of violence by any City employee or former employee against any other employee in or about the City's facilities or elsewhere at any time. The City will not condone any acts or threats of violence by anyone against its employees or visitors on the City's premises at any time or while employees are engaged in business with or on behalf of the City. Additionally, threats against other employees will not be tolerated whether they are made in person, by mail, by text, over the phone, on e-mail systems or any other form of technology or means of communication. Please remember that e-mail messages are records of the City. Therefore the City reserves the right to access and disclose all messages sent over this system for any purpose whenever there is a business need to do so.

Employees must report to either their supervisor or Human Resources any violence or threat of violence, where that violence or threat of violence may occur on City premises or in connection with a City activity, whether the source is a City employee, or an outside party. Such activity may include: suspicious workplace activity, situations or incidents including threats that they observe involving current or former employees or visitors. Additionally, employees must report weapons or dangerous unauthorized materials observed in the workplace.

Once management has been made aware of the situation, an immediate investigation will be conducted. Confidentiality will be maintained where practical, but absolute confidentiality cannot be guaranteed. The City will not condone any form of retaliation against any employee for reporting such an occurrence. Any employee who violates this guideline may be subject to disciplinary action up to and including termination.

The City reserves the right to amend this general operational policy, or any portion thereof, at its sole discretion to the extent permitted by applicable State and Federal laws and regulations.

N-5. Substance Abuse.

(1) The City is committed to safeguarding the health of its employees, providing a safe place for its employees to work, and promoting a drug-free community. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems. The City has established this policy to detect users and remove from the workplace employees whose alcohol abuse

interferes with their job performance, and those who illegally use drugs. It is also the policy of the City to prohibit the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

- (a) The purpose of this policy is to communicate the City's position on alcohol and illegal drug activity in the workplace, and to provide guidance for implementing related programs within the City.
 - (b) City policies and/or procedures on substance abuse or employee assistance programs, are not intended to create or alter any existing, implied or express contracts, written or verbal, between the City and its employees, independent contractors, or job applicants. The City reserves the right to alter any of its policies, procedures, or programs, at will and without notice to its employees, independent contractors or job applicants.
- (2) All City employees are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other City policies may apply in these areas to the extent that they do not conflict with this policy. Certain employees may be subject to additional requirements under state and/or federal regulations.
- (3) Substance Abuse Policy Dissemination:
- (a) All employees are to be informed of the City's substance abuse policy. Employees shall be given a copy of the City's substance abuse policy via the Personnel Policy and Guidelines Manual.
 - (b) All applicants shall be informed in writing of the City's policy of pre-employment testing and shall be required to sign an acknowledgement and agreement.
- (4) Definitions
- (a) **Illegal use of Drugs:** "Illegal drug use" is the use of any drug or controlled substances where the substance is: 1) not legally obtainable or (2) legally obtainable, but not obtained or used in a lawful manner. Examples include, but are not limited to, use of "street drugs," as well as prescription drugs, which are not lawfully obtained or properly used, or are obtained from a doctor or person authorized to prescribe them, but are obtained under false pretenses. The term "illegal drug use" also includes the use of mind-altering and/or addictive substances which are not sold as drugs or medicines, but are used for the mind- or behavior-altering effect, and not for the purpose the substance is manufactured or distributed.
 - (b) **Legal Use of Drugs:** "Legal use of drugs" means use of drugs or controlled substances or over-the-counter drugs that are legally obtained by the employee, and used for the purpose and at the dosage for which they were prescribed and sold.

- (c) Supervisor: The term "supervisor" includes any employee of the City that may be responsible for overseeing and directing (on a routine or intermittently basis) the work activities of other employees. This definition would include, but not be limited to, the City Administrator, Department Directors, captains and sergeants in the police department, public works superintendent, recreation supervisor, aquatic manager, and municipal pool manger. (d) City Property: The term "City property" includes property owned or controlled by the City of Mission, Kansas, and locations where the employee represents the City in any capacity.
 - (e) On Duty: The term "on duty" includes all working hours, as well as meal periods and break periods, and all hours when the employee represents the City in any capacity.
- (5) Drug Use Prohibitions
- (a) The illegal use, sale, purchase, possession, manufacture, distribution, or dispensing of controlled substances or drugs on City property or during working time is against City policy and is cause for immediate termination.
 - (b) It is also against City policy for any employee to report to work or to work with any controlled substance or drug illegally present in the employee's body in any detectable level. Employees who violate this policy are subject to disciplinary action, up to and including termination.
 - (c) Legally-used drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is legally taking any controlled substance or drug that might impair safety, performance, judgment, or any motor functions must advise Human Resources before reporting to work while using such medication. A failure to do so may result in disciplinary action. Improper use of controlled substances, prescription or over the counter drugs, even if lawfully prescribed, is prohibited and may result in disciplinary action up to and including termination.
 - (d) Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.
- (6) Alcohol Use Prohibitions
- (a) The consumption, possession, being under the influence of alcohol, or testing positive for alcohol at a level of .02 or more on City property, or anywhere while on duty, is prohibited and will result in disciplinary action, up to and including termination.
 - (c) Employees may be asked to submit to an alcohol test based on reasonable suspicion that their ability to perform work safely or effectively may be impaired. An alcohol test result of .02 or higher will be considered positive.

- (d) Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including termination.
- (7) Testing
- (a) Testing of Applicants
 - (1) Applicants considered final candidates for a position, who have received a conditional offer of employment for a safety-, integrity-, or security-sensitive position, may be tested for the presence of alcohol and/or the illegal presence of controlled substances or drugs as part of the application process.
 - (2) Applicants subject to such testing will be advised of the City's pre-employment testing requirements in writing via the employment application and/or the conditional offer of employment, and prior to referral for a physical and/or drug and/or alcohol testing.
 - (3) Any applicant for a safety-, integrity-, or security-sensitive position who refuses to submit to, tampers with, makes any attempt to delay, or fails to pass the post-offer pre-employment drug and/or alcohol test shall be ineligible for hire.
 - (b) Reasonable Suspicion Testing
 - (1) Employees may be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired, or that they otherwise are in violation of this Policy. Reasonable suspicion is defined as the reasonable belief that an employee is under the influence of drugs or alcohol, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, the employee's possession of prohibited substances or drug paraphernalia, and/or access to reliable/credible information. Someone trained to recognize the signs of alcohol or drug use or abuse will determine whether reasonable suspicion exists. The person who determines that such a test is warranted will make a written record of the observations establishing reasonable suspicion.
 - (2) Factors that individually or in combination could result in reasonable suspicion include, but are not limited to:
 - (a) Direct observation of an individual engaged in drug and/or alcohol-related activity
 - (b) A pattern of abnormal conduct
 - (c) Unusual, irrational or erratic behavior
 - (d) Unexplained or excessive negligence or carelessness

- (e) Discovery or presence of drugs or alcohol, or drug-related paraphernalia, in an employee's possession while on duty or near an employee's workplace
 - (f) Odor or residual odor peculiar to some drugs or alcohol
 - (g) Bodily appearance or behavior suggesting impairment
 - (h) Arrest or conviction for a drug related crime
 - (i) Information provided by reliable and credible source.
- (c) Post Accident Testing: Employees who may have caused, contributed to, or increased the severity of an accident may be tested for the presence of drugs and/or alcohol following an accident that results in a fatality, an injury requiring immediate hospitalization, an injury requiring outside medical attention, and/or damage to vehicles or other property.
- (1) Testing procedure:
- (a) The City will determine for which drugs and/or alcohol testing will be performed.
 - (b) If the employee refuses to consent to testing, attempt to delay the testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he or she may be disciplined up to and including termination.
 - (c) Test samples will be analyzed by a qualified laboratory or technician selected by the City. All urine or hair samples (type of test to be selected at the City's discretion) will be tested according to the following sequence;
 - (1) All test samples will be subjected to an initial screening process to detect the presence of controlled substances.
 - (2) Those samples having a negative screen (no substance present) will be considered to have tested negative, and no further testing will be done on that sample, and
 - (3) Those samples that test positive on the initial screen will be subject to confirmatory testing.
 - (d) Employees who consent to testing will be informed of the results by a supervisor or the Department Director or the City's designee. As set forth within, a positive test will result in disciplinary action, up to and including termination.
 - (e) If the urine specimen is determined to be a "dilute specimen" (urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less) the donor will be required to refrain from drinking excessive amounts of fluids,

and to provide (with minimum possible advance notice) another specimen to be tested. The second test shall become the test of record.

- (f) Any employee who adulterates a specimen or who otherwise attempts to invalidate a test shall be subject to discipline up to and including termination.
 - (d) Random drug/alcohol testing of all employees in safety-sensitive positions who have a Commercial Driver's License (CDL) will be conducted on a routine basis. This testing may be conducted unannounced throughout the year. Those selected for testing are chosen through the use of a random computerized system by a provider outside of the City to assure complete objectivity in selection. When notified of selection for testing it will be necessary to report immediately for the testing procedure.
- (8) Disciplinary Action
- (a) Except when part of regular employment responsibilities, any employee engaging in the use, sale, purchase, possession, or distribution of alcohol while on duty, or the illegal use, sale, purchase, possession, distribution, of drugs at any time, or having the illegal presence of a controlled substance or drug in any detectable amount in the employee's body while on duty, is subject to disciplinary action, up to and including termination.
 - (b) The City may suspend employees with or without pay under this policy pending the results of a drug test or investigation.
- (9) Employee Assistance Program (EAP)
- (a) The City regards its employees as its most important asset. Accordingly, the City maintains an EAP, which provides help to employees who, among other things, suffer from alcohol or drug abuse and/or other personal or emotional problems. No employee will be subject to discipline merely for voluntarily seeking EAP assistance. An employee may not, however, avoid discipline for violating the substance abuse policy, or any other policy, by seeking this assistance after the employee is referred for testing pursuant to this policy, or any other violation of this policy, or any other policy, is detected.
 - (b) Any performance, attendance or behavioral problems may result in discipline up to and including termination, even if an employee is voluntarily participating in the EAP.
 - (c) Employees referred to the EAP as a result of a violation of the City's substance abuse policy may continue their employment with the approval of the City, provided that:
 - (1) They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;

- (2) Immediately cease any and all use of alcohol and/or drugs; and
- (3) Enter into a "last chance agreement," and consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later.
- (4) The City will determine, in its sole discretion, whether an employee will be offered the opportunity to participate in a rehabilitation program (at employee's expense, to the extent not covered by the health plan) or be terminated.

(10) Investigation

- (a) To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right, with or without reasonable suspicion, to search all City-owned or jointly held vehicles, containers, lockers, or other items brought onto City property. Individuals may be required to display personal property for visual inspection when upon City property. Employees may not have any reasonable expectation of privacy in desks, offices, or lockers provided by the City. Nor should they have any reasonable expectation of privacy in any purse, backpack, briefcase, container, clothing items, etc. brought onto City premises. All are subject to search upon reasonable suspicion of a violation of policy and/or law. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to City premises.
- (b) The City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City will cooperate with and may enlist the service of the proper law enforcement authorities in the course of any investigation.

(11) Arrest or Conviction for Drug-Related Crime.

- (a) If an employee is arrested for or convicted of a drug-related crime, the City may investigate the circumstances, and if appropriate under the guidelines set forth above, City officials may utilize the drug-testing procedure.
- (b) As a condition of employment, an employee shall notify his or her supervisor of any criminal drug and/or alcohol statute conviction or of any plea of guilty, nolo contendere, or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.

(12) Confidentiality: Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted to Human Resources. In order to effectively address the employees with drug or alcohol

problems, it may be necessary for the supervisor to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis, or in response to valid legal process.

N-6. Development of Additional Policies. There may be additional policies developed from time to time and shall be kept on file and made available for employee review at any time. They shall be mandatorily reviewed during initial employee in-processing with the Human Resources Department.

N-7. Confidentiality. All non-public matters regarding the operations, activities, and business affairs of the City of Mission, our citizens, clients, and vendors are to be kept confidential to the greatest extent possible. No City of Mission-related documents, files, records, computer files, citizen lists, citizen requirements, vendor lists, financial information, products, and other related information may be removed from the City's premises without permission from the City of Mission except in the ordinary course of the City business. Do not share information about other employees without their permission. In addition, the contents of non-public City records or information may not be disclosed to anyone, except where required for a business purpose. Any employee leaving the City's employment should return all City of Mission-related information and property. Revealing confidential City information will result in disciplinary or other appropriate action.

Privileged Information

The City of Mission regards employee information as confidential and has established the following guidelines for such information:

Release of Information Within the City

Access to any personnel file is limited to those who have proper authorization and a legitimate business reason, unless otherwise required by federal, state, local law or legal process.

Release of Information Outside of the City

All inquiries, whether by telephone or written request, regarding current or former employees shall be referred to the Human Resource Specialist. Employees, including supervisors, should not provide any information about current or former employees. Further, no employee may issue a reference letter for any current or former employee without the permission of and review by the Human Resource Specialist or the City Administrator.

In response to an outside request for information regarding a current or former employee, the City will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former employee, or his/her employment with the City of Mission, will be released unless the City of Mission is required by law to furnish any such information.

N-8. Prevention of Occupational Exposure to Bloodborne Pathogens. The purpose of this policy is to provide guidelines for preventing the contraction and spread of infectious disease (HIV virus, hepatitis B virus, and other bloodborne pathogens) to employees and the general public.

It shall be the responsibility of each Department Director to identify those employees who, as a result of their occupation, may be exposed to bloodborne pathogens or other potentially infectious materials. Persons who are reasonably expected to come in contact with potentially infectious materials are required to follow the procedures outlined below.

All employees whose job duties and responsibilities indicate that they are a high risk to being exposed to blood, saliva, and other bodily fluids are subject to this policy.

The department's training coordinator or safety representative shall ensure that all employees in job classifications identified as high risk to bloodborne pathogens complete courses of instruction on prevention of exposure to and transmission of bloodborne diseases.

Employees subject to this policy shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of bloodborne pathogens.

The department training coordinator or safety representative shall insure that records are maintained for a period of three years from the date of training. The training records will include: names and job titles of all department members attending the training sessions, dates and content of training sessions, and names and qualifications of persons conducting the training.

Prevention - HBV Vaccination. All employees in job classifications identified as high risk to occupational exposure to bloodborne pathogens shall be offered (paid by the City) the HBV (Hepatitis B Virus) vaccination. If the vaccination is declined, a waiver must be signed. The waiver may be rescinded by the employee at a later date. The vaccination will be provided after training on exposure and within 10 working days of the initial assignment which creates the risk of exposure.

Exposure. All human blood, saliva, other bodily fluids, and other potentially infectious materials are treated as if known to be infectious for HIV (AIDS) and HBV (hepatitis B virus). Employees are required to utilize appropriate personal protective equipment furnished by the City (gloves, gowns, mouthpieces, masks, etc.).

- (1) Hands shall be washed after removing gloves or as soon as possible after contact with body fluids.
- (2) Contaminated personal protective equipment should be removed immediately and placed in a designated container with liner for disposal.
- (3) Cleaning requirements shall be established for City facilities. Current approved methods include the use of bleach with a solution of 8 ounces/gallon of water and Disinfectant Pine-Sol with a solution of 5 ounces/gallon of water.
- (4) All contaminated towels, gloves, etc. shall be bagged and properly disposed. All syringes, needles, scalpels, etc. shall be disposed of using puncture resistant containers.
- (5) All contaminated waste shall be properly bagged and stored in a trash container marked "Biohazard."

Post Exposure: Evaluation and Follow-up. Employees are required to report an exposure to the City and complete an Exposure Incident Investigation Form and Workers' Compensation "First Report of Injury" form immediately after the exposure.

Following a report of an exposure incident, the City requires employees to receive a confidential evaluation and counseling by the City's designated medical provider.

Supervisors shall be responsible for documenting the route of exposure, HBV and HIV status of the source person if known, and the circumstances under which the exposure occurred. Confidentiality of the involved person(s) shall be maintained.

The City's designated medical provider shall provide post-exposure testing, vaccination, follow-up testing, medical evaluation, and counseling.

Recordkeeping. The Human Resources Department shall maintain a confidential and accurate record for each occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures, the designated medical provider's written opinion and information provided by healthcare professionals.

These confidential healthcare records shall be retained in a secured area with limited access for the duration of the employee's employment plus 30 years and may not be disclosed or reported without the express written consent of the employee.

N-9. Driving On Behalf of the City. To ensure the safety of its employee and any individual that they may come in contact with while performing City business, the City requires that employees who operate a personal vehicle for City business, whether the vehicle belongs to the City, or is leased on its behalf, or belongs to the individual employee, shall comply with the following:

- maintain and provide proof of valid liability and property insurance on a privately owned vehicle with limits as specified by the City and/or applicable state requirements;
- wear seat belts at all times while driving on City business;
- consent to periodic motor vehicle (MVR) checks;
- abide by all safety regulations;
- abide by all traffic regulations, laws and ordinances while driving for the City;
- drive courteously and practice defensive driving techniques;
- turn cell phones off or put on silent or vibrate before starting the car;
- pull over to a safe place if a call must be made or received while on the road;
- do not text and drive – even when the car is at a standstill at a stoplight;
- avoid driving after having consumed alcohol beyond the legal limit, and/or drugs, including legal drugs, which may impair an employee's ability to operate a motor vehicle on City business;
- do not carry on their persons, or on the premises a firearm or other weapon (unless the employee is a police officer), while on duty or after duty if the employee is still on City property or business.
- affirmatively report to Human Resources any driving-related infraction incurred by the employee on or off-duty no later than the first business day following receipt of the infraction.

Further, the City is not responsible for tickets or other traffic citations incurred by employees while on City business. Employees who utilize their personal vehicle for City business will be reimbursed for business mileage at the current rate as stipulated by the travel expense and reimbursement policy.

N-10. Use of Social Media Policy. This policy applies to employees who participate in any form of social media, social networking, or electronic communication tools including, but not limited to, internal and external blogs and websites and any other social media, social networking or electronic communication tool whether known today or

developed in the future. The City understands that employees may maintain or contribute to personal blogs, message boards, networking pages and other forms of social media outside of their job function. If an employee elects to engage in social media of any form, they are required to exercise good judgment, abide by Mission policy, and comply with the following:

- (1) **Only on Your Own Time.** Unless you have received advance permission from your manager you may not engage in social media activity on work time.
- (2) **Post as Yourself.** Do not speak or post as a representative of Mission or use Mission's name in your username, screen name, etc. It must be clear that you are expressing your personal views only, not the views of Mission or its other employees.
- (3) **Be Respectful.** As an employee of Mission, you are representing Mission just as you would in any public forum, and you should exercise discretion, thoughtfulness and respect for Mission, its employees, its customers, its business contacts, and its competitors.
- (4) **Comply with Harassment and Other Policies.** Employees may not use social media technology to engage in or post communications or material that would violate any other policies which apply to you as an Employee of Mission, including, but not limited to, the Mission anti-harassment policy, general internet usage policy, alcohol and drug use policy, or Personnel Manual. Among other things, employees may not use social media technology to post communications or materials that are derogatory or offensive toward City employees with respect to race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (5) **Confidentiality.** Employees may not disclose Mission confidential or proprietary information through social media or otherwise. Confidential information includes non-public financial information, proprietary processes or technology, confidential personnel information, etc. All social media technology is also subject to any other confidentiality agreement that you may have entered into with Mission.
- (6) **Intellectual Property.** Mission owns intellectual property rights in its trademark including The City of Mission name and logos. You may not use or disclose Mission intellectual property in any manner without advance, written permission.
- (7) **Use Good Judgment.** Because what you say online is accessible to the public, including Mission and its employees, use good judgment in your communications.

N-11. Break Time for Nursing Women. The City provides female employees who are nursing with reasonable break times during normal working hours to express breast milk. The City encourages female employees to use

regularly-scheduled breaks during the work day to express breast milk. However, the City also permits a female employee to take additional, unpaid breaks each work day for up to one year after the birth of her child as reasonable and necessary to express breast milk. The City will designate an area as a private location where female employees who are nursing may express breast milk.

N-12. Smoking Policy. Smoking shall not be permitted in any enclosed City facility. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms and all other enclosed facilities. Smoking is also prohibited at all times in any City vehicle. This policy applies to all employees, contractors and visitors. Smoking shall be permitted only at a reasonable distance of more than 25 feet outside entrances, doorways, operable windows and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas. No Smoking signs are posted in all City facilities. Those employees who smoke and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support. The success of this policy will depend on the thoughtfulness, consideration and cooperation of both smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy. Employees who are aware of violations of this policy are encouraged to report them immediately to Human Resources. Please do not attempt to enforce the policy or confront a violator yourself. Failure to adhere to this policy may result in disciplinary action, leading up to and including termination. The City reserves the right to develop and implement additional no-smoking policies.

N-13. Weapons Free Work Place and Possession of Personal Firearms. It is the policy of the City of Mission to ensure a safe and secure work environment, free from intimidation and threat of physical harm. To this end the City reserves the right to limit and/or prohibit any and all weapons in the workplace, at City sponsored functions, in or on City property, or in City vehicles. For purposes of this section, the term "weapons" includes firearms (other than those excluded under K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act); knives, swords, switchblades, razors, and the like (other than small pocket knives, utility knives, and the like with a blade of less than three inches in length, or kitchen utensils while in use); clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent go armed, or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public (including but not limited to pepper spray, mace, and other personal defense sprays) or concealed personal firearms as authorized under the K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act.

Employees who are authorized by the State of Kansas to carry concealed personal firearms pursuant to K.S.A. 75-7c01 et. Seq., the Personal and Family Protection Act, may exercise their right to carry concealed personal firearms

in any unsecured municipal building which is not posted as prohibiting the carrying of concealed weapons. Use or possession of a personal firearm pursuant to the Personal and Family Protection Act or otherwise, is not regarded as conduct within the scope of employment. In addition, under any and all circumstances, the use and possession of a firearm shall be in accordance with and only as authorized by law.

1. All employees are prohibited from carrying, possessing, using or transporting firearms, other than concealed firearms authorized under the Personal and Family Protection Act, during the course of employment, while performing services representing the City, or while wearing City apparel.
2. Any employee carrying a concealed firearm pursuant to the provisions of state law must keep said firearm completely concealed on their person, in a proper holster or similar product, with all safety features in place.
3. It is the sole responsibility of the employee to maintain control of his or her concealed firearms and ammunition by ensuring that such firearm is on his or her person and attended to at all times unless stored pursuant to subsection 5 below.
4. If an employee elects to lawfully carry a concealed firearm, said firearm cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
5. When not properly concealed on their person with safety features in place, a personal firearm shall be stored in the employee's personal vehicle. Employees must ensure that personal firearms stored in personal vehicles must be stored out of plain view from the exterior of the vehicle and that the vehicle is locked and secured.
6. Employees who enter upon or in "private property" during the course of their duties are required to comply with any restrictions imposed by that property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General.
7. It is prohibited for any City employee to brandish, intentionally display, joke about using the weapon, use, discharge, point, engage in even slightly risk behavior involving the weapon, or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
8. An employee's failure to maintain a firearm in a fully concealed manner and secured manner or stored as described herein could result in discipline, up to and including termination.
9. In the event that a City employee discharges a firearm while on duty, the Mission Police Department shall administratively investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator will determine what constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.

10. Subject to other policies and procedures of the City of Mission and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Mission. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement. The City will not provide for, reimburse or pay attorney fees or other costs in defense of any employee if deadly force is not a function of their position.

A violation of any portion of this policy may result in disciplinary action, up to and including termination.