

CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, JANUARY 8, 2020

7:30 P.M.

(or immediately following 6:30 p.m. Community Development Committee)

Mission City Hall

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

ACTION ITEMS

1. Acceptance of the December 11, 2019 Finance & Administration Committee Minutes - Martha Sumrall ([page 4](#))

Draft minutes of the December 11, 2019 Finance and Administration Committee meeting are included for review and acceptance.

2. Resolution - Destruction of Certain Records - Martha Sumrall ([page 12](#))

Annually, Council adopts a resolution outlining those records that may be destroyed during the coming year. The records listed in this resolution are identified in K.S.A. 12-120. Ordinances, resolutions, minutes, Council and commission packets, and records of historical value are kept permanently.

3. Gateway Special Obligation Bond Ordinance Revisions - Laura Smith ([page 15](#))

On November 18, 2019, the City Council adopted Ordinance 1509 authorizing the issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2019 for the purpose of paying certain redevelopment project costs in connection with the Fourth Amended Tax Increment Financing Redevelopment Project Plan for the Mission Gateway Project. At the time the ordinance was approved, the only condition precedent to bond issuance that remained unmet under the First Amendment to the Third Amended and Restated Redevelopment for the Mission Gateway Project was receipt of the final loan documents. In mid-December, a decision was made to delay the pricing until after the first of the year. The delay does not impact the construction schedule or progress on site. The developer continues to work on finalizing the loan documents and the team will take the issue to the market as soon as feasible with the goal of ensuring the issue is positioned for success. As a result of the revised timeline, some minor modifications to the bond ordinance are required.

4. Replacement of Front Line Police Department Vehicles - Ben Hadley ([page 27](#))

As part of a 2020 Budget request, the Police Department researched replacement vehicles for the six (6) front-line patrol vehicles currently in service. Staff is seeking Council authorization to replace these vehicles, including outfitting them with the appropriate equipment, and replacing nine (9) mobile data devices through a lease purchase agreement with total estimated base costs in the amount of \$406,577.16

5. Replacement of In-Car Video and Body Camera Equipment - Ben Hadley ([page 33](#))

For the last 12-18 months, the Police Department has been researching new video systems to replace the current L3 MobileVision system which includes both in-car and body worn cameras. The Department determined a hybrid system best suited their needs and provided the most cost effective way to store videos. This hybrid system would allow short term storage on premise and long term storage in a cloud based "vault." The Department evaluated three systems and is recommending the purchase of ten (10) in-car systems, two (2) motorcycle cameras, and twenty-six (26) body cameras, including all associated hardware and software, from WatchGuard in the total amount of \$176,741.50. Funds for this purchase are included in the 2020 Budget.

6. Lease/Purchase Resolution - Police Department Fleet - Ben Hadley /Brian Scott ([page 38](#))

The Police Department intends to replace six (6) front line patrol vehicles and associated equipment, plus upgraded mobile data terminals for a total cost of approximately \$407,000. The City has traditionally financed purchases like this through a lease-purchase agreement. The City Council will be asked to consider a Resolution that expresses its intent to acquire the vehicles and equipment through a lease-purchase financing arrangement. The Resolution also authorizes staff to work with the financial advisor and bond counsel to solicit bids and prepare associated documents. Bid results will be presented to Council in February.

7. Personnel Policy & Guidelines Update - Emily Randel ([page 41](#))

The City conducts an annual review and update of its Personnel Policy and Guidelines to insure compliance with current practices and state and federal laws. This item details and outlines the proposed changes to become effective February 1, 2020.

8. Contract for 2020 DirectionFinder Survey, ETC Institute - Laura Smith ([page 176](#))

ETC Institute, Inc. has worked with hundreds of municipalities using various survey instruments, including the the DirectionFinder survey. The DirectionFinder survey is used to assess citizen satisfaction with municipal services, as well as to benchmark city services both regionally and nationally. The City has historically updated the Direction Finder survey every four years (2007, 2011 and 2015), and funds were included in the 2019 Budget for this purpose. The survey was also to be used in connection with the update to the City's Comprehensive Land Use Plan. Since the Comprehensive Plan update pushed into 2020, the DirectionFinder survey was also held in order to keep the projects appropriately aligned. ETC guarantees a statistically valid survey response. Survey questions will be developed in consultation with the City Council, staff and the Steering Committee assembled for the Comprehensive Plan update. Funds in the amount of \$16,000 were included in the 2019 budget, and rolled over into the General Fund fund balance at December 31, 2019. They are

recommended to be reallocated from the fund balance in 2020 for this project.

9. Ordinance Repealing Section 270 of the Municipal Code, Capital Improvement Program Committee - Emily Randel ([page 180](#))

Following discussion at the December Community Development Committee meeting on the efficiency and effectiveness of the Capital Improvement Program (CIP) Committee, staff is recommending the repeal of the ordinances creating the CIP Committee. The CIP Committee was established in the spring of 2017. The current CIP members have done an outstanding job in educating themselves about the city's current infrastructure needs and challenges, but the staff resources and the valuable time provided by these citizen volunteers could be better applied in other ways to ensure public feedback is incorporated into future capital improvement programs.

DISCUSSION ITEMS

OTHER

10. Department Updates - Laura Smith

Sollie Flora, Chairperson
Kristin Inman, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913-676-8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: December 11, 2019 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the December 11, 2019 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the December 11, 2019 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

December 11, 2019

The Mission Finance & Administration Committee met at Mission City Hall, Wednesday, December 11, 2019 at 9:03 p.m. The following committee members were present: Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Debbie, Kring, Kristin Inman, Sollie Flora and Ken Davis. Councilmember Quinn was absent. Mayor Appletoft was also in attendance. Councilmember Flora called the meeting to order at 9:03 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Assistant to the City Administrator Emily Randel, Public Works Director Celia Duran, Parks & Recreation Director Penn Almoney, Chief Ben Hadley, and Public Works Superintendent Brent Morton.

Public Comments

There were no public comments.

Acceptance of the November 6, 2019 Finance and Administration Committee Minutes

Minutes of the November 6, 2019 Finance and Committee Meetings were provided to the committee. The minutes were accepted as presented.

2020 Legislative Priorities

Ms. Smith stated that the 2020 Legislative Priorities have been discussed at previous committee meetings so she did not feel there was a need to go through the document in detail again. These priorities, once approved by Council, will be sent to our legislators in Topeka and Council is encouraged to share them should they speak directly with legislators. She also stated that Planning Commissioner Troppito made a presentation to the Sustainability Commission at their November meeting and their recommended addition to the priorities has been included in this document. Commissioner Troppito also shared with Council an article that he wrote and a handout - "Proposed City of Mission, Kansas Legislative Priorities" that are attached to and made a part of these minutes. The recommended addition to the Legislative Priorities focuses on considering and advocating for different technologies in concrete. Ms. Smith again directed Council to Commissioner Troppito's article and noted that data was provided to the Sustainability Commission on this issue and Commissioner Troppito proposed supporting legislation at the State and Federal levels, as well as incorporating it into our own purchasing policies. Councilmember Kring also shared Commissioner Troppito's information at the recent National League of Cities meeting. Councilmember Schlossmacher asked if the company that produces this concrete has shown interest in relocating to Mission and Ms. Smith stated they have not.

Councilmember Davis recommended the 2020 Legislative Priorities for the City of Mission be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

KERIT Renewal

Mr. Scott stated Mission has been a member of the Kansas Eastern Regional Insurance Trust (KERIT) since 2009. The 2020 premium for workers' compensation coverage has been estimated at \$95,508, which is an increase of 3%. Currently there is \$106,000 budgeted for this item. Ms. Smith stated that prior to participating in KERIT, the City was a member of KMIT and for the 2008/2009 year, our estimated cost was \$122,000, highlighting the savings we have realized since joining KERIT.

Councilmember Davis recommended that the City's 2020 workers compensation coverage through the Kansas Eastern Regional Insurance Trust (KERIT) for an estimated annual premium of \$95,508 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

2020 IT Support Services Contract

Mr. Scott reported that Mission has contracted with Johnson County Department of Technology and Innovation (DTI) since 2011 for our network support. The proposed contract for 2020 is in the amount of \$56,026 and is for both the general City support (City Hall, Public Works, Community Center) and the Police Department support (separate as they have specific security requirements). He also stated that DTI provides support for specific projects and in 2020 they will be assisting the Police Department with moving to laptops that are being purchased for new police vehicles and support for transitioning to a new video provider. A separate agreement for that project will come forward to Council when the scope of the work is more clearly defined. He provided information on an RFP MARC will be preparing for smaller cities shared IT services, and as it is time for Mission to review and re-evaluate our network support, we will see what this offers.

Councilmember Rothrock asked if there is an estimate for the 2020 Police Department Project and whether anyone else has been or will be contacted to solicit bids for it. Mr. Scott stated that we will reach out DTI for this project as they are the most familiar with our network, but will solicit proposals from other firms also.

Councilmember Davis asked if we are protected from network intrusion/ransom. Mr. Scott stated that we do have cybersecurity insurance and that Johnson County has sophisticated malware software to protect us.

Councilmember Davis recommended that the Interlocal Agreement and Project Charter for IT Services with Johnson County through December 31, 2020 in an amount not to exceed \$56,026 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Alcohol Tax Fund Recommendations

Mr. Scott stated that by statute, Kansas imposes a 10% Liquor Drink Tax on the sale of any drink containing alcoholic liquor in Mission. Thirty percent of this tax goes to the State and Mission receives the remaining 70%. The amount Mission will receive in 2020 is estimated to be approximately \$255,000 which is divided into thirds with \$85,000 allocated to the General Fund, \$85,000 to Special Parks, and \$85,000 to the Special Alcohol Tax Fund. The funds allocated to the Special Alcohol Tax Fund are to be used for programs that address alcohol and drug abuse. Mission has participated with the Drug and Alcoholism Council (DAC) for many years. This allows cities in Johnson County to pool funds to be granted to agencies approved by the DAC. The total amount available to the DAC for allocation in 2020 is approximately \$2 million, which comes from Johnson County and 14 participating cities. Mission's contribution in 2020 will be \$50,000.

Councilmember Kring recommended that Mission's 2020 Alcohol Tax Fund allocations as recommended by the Drug and Alcoholism Council be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

2020 Budget Ordinance

Ms. Smith stated that as part of the annual budget process, the City takes formal action to adopt the 2020 Budget by ordinance. This ordinance is one of two ordinances that are considered by Council each December to finalize the City's annual budget and provide expenditure authority. She noted that this ordinance is considered in December in case any amendments to the budget are required. There are no changes to the 2020 Budget.

Councilmember Davis recommended that an ordinance adopting the 2020 Budget of the City of Mission be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Ordinance Directing City Administrator to Spend According to Budget

Ms. Smith stated that this is the second ordinance to be considered to finalize the budget process and authorizes and directs the City Administrator to spend according to the adopted budget.

Councilmember Davis recommended that an ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2020 Annual Budget be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

**CMB License Renewals and New CMB License Application -
Paulie D's Pizza, 5735 Johnson Drive**

Ms. Sumrall reported that cereal malt beverage (CMB) licenses must be renewed annually and that they run on a calendar year. There are seven CMB renewal applications and all applicants have completed the required background checks and are approved by Chief Hadley. Additionally, Paulie D's Pizza has applied for an on-premise CMB License and has met the requirements.

Councilmember Kring recommended that approval of the 2020 Cereal Malt Beverage (CMB) License renewals and new CMB License application from Paulie D's Pizza be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Contract for Lobbying Services with Little Government Relations

This item was moved to the Community Development Committee for discussion to accommodate the presenters.

Personnel Policy & Guidelines Update

Ms. Randel stated that typically Council considers updates to the City's Personnel Policy & Guidelines in December each year, but Council has expressed an interest in paid parental leave policies, modifications to the paid leave policies and benefits, and there are revisions required to conform with the new payroll timekeeping system. Because of this, staff is bringing this forward for discussion prior to consideration by Council in January.

Ms. Randel stated the State of Kansas, Kansas City, Missouri and Johnson County have paid parental leave policies in place, and Roeland Park has mentioned this in their budget but it is not yet in place. She has surveyed online various policies and we could consider mimicking a local policy in place or finding other creative solutions. Ms. Smith stated this policy would fall within our goals and objectives for total compensation for employees. Ms. Smith provided a handout of employee demographics, including tenure with 37% of staff having less than two years with the City and 50% of employees are under the age of 40. The handout also included information on gender and department demographics (gender and age). She provided information on our current leave policies, including:

- Vacation - unlimited accrual, but capped at 240 hours to be paid out when an employee leaves employment. This cap is in place to limit our liability. Information on accruals by

position and years was provided with Ms. Smith stating there is a maximum accrual per year of 25 days and this is typically reached at 15 years of employment.

- Sick - employees earn 8 hours per month. There used to be an unlimited accrual of sick leave but it is now capped at 528 hours, which is over the 480 hours allowed in FMLA. When an employee leaves employment they are eligible to be paid for 50% of their accrued sick time.
- Personal Days - employees earn two days per year and these are “use it or lose it” days.
- Holidays - employees receive 10 paid holidays per year.

Ms. Smith stated some employees bank their benefits, while others use them as soon as they are available. She provided a handout showing average sick leave balances. This is a snapshot of where we currently are and noted that leave time is a benefit and not an entitlement. She stated we want people to use their vacation time to refresh and renew, but also noted that we are a small organization so it can sometimes be a challenge to get away from the office. She also stated that the payout of benefits is sometimes used to pay for health insurance, etc. when employees retire. The average employee salary is \$60,000 per year, which is data necessary when considering a paid parental leave policy. Ms. Smith also noted the City’s donation leave program and discussed FMLA. The donation leave program is usually used by an early tenured employee that is not yet eligible for FMLA.

Councilmember Rothrock requested information on restrictions to the leave donation policy and Ms. Smith discussed the requirement for employees to keep a specific balance in their account when considering donating time. Two employees have utilized the leave donation program this year with one receiving approximately 12 weeks in donated leave and the other receiving 8 weeks.

Councilmember Davis asked if “comp time” is used by the City. Ms. Smith stated that salaried employees are not eligible for comp time, but department heads have the flexibility for their staff to use it in lieu of overtime. She stated that overtime is encouraged rather than comp time for record keeping purposes.

Ms. Smith provided information on short-term disability available to employees through AFLAC (employee paid), previous short-term disability provided by the City but discontinued when we were seeing 20% increases in health insurance premiums, and long-term disability provided through KPERS/KP&F.

Councilmember Flora stated she believes paid parental leave is a good idea, does not feel the impact would be that large and we could consider allowing one paid parental leave per employee. She also stated that she does not like the unlimited vacation accrual policy. Councilmember Rothrock agreed that she is not supportive of an unlimited vacation accrual policy and asked if a buy back program for some vacation at the end of the year would be a possibility. Discussion continued on the unlimited vacation accrual pros and cons, including

Mission's policy allowing for unlimited accrual, but only paying out for a specific amount, and the importance of taking time off from work.

Mayor Appletoft discussed the need to ensure this issue fits into agreed upon programs for 2020 consideration and recommended holding off on further discussion until following Council's retreat in January. Councilmember Flora stated that this issue was raised during the budget process so it is a carry-over from that discussion. Councilmember Thomas suggested that staff be surveyed to see what their preferences are and Ms. Smith stated it has been about eight years since we have surveyed staff on these issues. Lockton, our benefits broker, would be willing to assist with and administer this type of survey. Discussion continued on the short tenure of many employees and Councilmember Davis asked if there was a specific reason for this. Ms. Smith stated that in some departments it is due to retirements and in the Police Department some have made lateral moves to other departments. Councilmember Thomas stated that there are equality issues to be addressed, noting the non-discrimination ordinance passed last year. Mayor Appletoft again stated that we must decide if this is a project to take on for 2020.

Ms. Smith stated that this is a good time to survey employees as they have just completed annual benefit renewals for 2020. There are some changes that must be made to the personnel policy to conform with federal and state regulations. A red-lined version of the personnel policy with these required changes will be brought to the committee in January for approval and following that, a survey will be prepared and sent to employees.

This item was for discussion only and no action was taken.

Other Department Updates

There were no Department Updates.

2020 Leadership in Community Resilience Grant

Councilmember Flora stated that she has been approached by Mike Kelly (Mayor of Roeland Park) and Lindsay Constance (Shawnee councilmember) for Mission to serve as the sponsor city on behalf of area cities for the 2020 Leadership in Community Resilience grant application through the National League of Cities. Last year Roeland Park applied for and received the grant on behalf of the group. The narrative for the grant has been written by the Climate Action KC coalition so there is minimal work required by Mission staff to submit this application. The grant is for \$10,000 in 2020 and Mission will have the opportunity to send one person to the 2020 program at no cost. If received, this will bring lots of attention to Mission. She stated that we would be participating as a regional partner and for the betterment of the community. The deadline for the application is December 20th and she would like Council's consensus for staff

to move forward with submitting the application. Councilmember Schlossmacher stated that if staff supports this, then he can support it.

Councilmember Davis recommended that staff be directed to submit the 2020 Leadership in Community Resilience grant application on behalf of Climate Action KC by the December 20th deadline. All on the committee agreed. Staff will move forward with the application process.

Trash Collection / New Provider Transition Update

Ms. Scott stated that the transition from Waste Management to WCA is going well. New trash carts were delivered by WCA last week, and Waste Management is collecting the old carts this week using their crews. The old carts are being staged in the Mission Bowl parking lot. A mailer/letter has been finalized and sent to the printer. It is anticipated to be in homes the weekend of December 14th. He noted that bulky item pick-up is moving from the first week of the month to the last week of the month and that WCA is providing residents with a calendar of pick-up dates. He also stated that Mission's WCA website is up. At this time, most of the issues being dealt with are one-off situations.

Councilmember Schlossmacher asked if smaller carts will be available. Mr. Scott stated that they will not, but there is house-line service. Discussion continued on the storage of carts, which should be behind the house line, trash services phasing out the use of smaller carts as they don't work well with the automated pick-up trucks, and the need to leave recently delivered carts that may be misshapen out in the sun. If misshapen carts do not straighten out, residents are encouraged to contact us for new carts. Mr. Scott also noted that the letter being sent to residents will include information on pick-up dates, a recycling insert, and "ditch the bag" flyer. A link to the WCA website is on Mission's website and a card will be sent to residents at the end of the month regarding changes to bulky item pick-up

Gateway Project

Mr. Scott stated that Steele has arrived on-site and a crane will be going up soon for construction of the Cinergy building frame.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 9:57 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Martha Sumrall

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution for the Destruction of Certain Records

RECOMMENDATION: Approve a resolution authorizing the destruction of certain records of the City of Mission, Kansas as authorized by Ordinance No. 1143.

DETAILS: Ordinance No. 1143, which was approved on December 8, 2004, outlines the schedule for the destruction of certain City records as provided in K.S.A.12-120. This ordinance also indicates that a yearly resolution should be passed specifying exactly which records are to be destroyed during the upcoming year. The attached resolution specifies the records that may be destroyed during 2020.

Ordinance 1143 also states that it does not authorize the destruction of any records, documents or papers which in their nature should be preserved permanently, and does not prohibit the destruction of records that are obviously temporary. The records outlined in this resolution are only those identified in K.S.A. 12-120. Ordinances, resolutions, minutes, meeting packets from Council, Planning Commission/BZA, and other commissions, and records of historical value are kept permanently. When considering the destruction of other records not specifically listed in State statutes, staff often looks to best practices in other cities.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Ord. No. 1143
Line Item Code/Description:	N/A
Available Budget:	N/A

**City of Mission
Resolution No. _____**

A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE CITY OF MISSION, KANSAS AS AUTHORIZED BY ORDINANCE NO. 1143.

WHEREAS, the City of Mission, Kansas approved Ordinance No. 1143 amending the records destruction schedule provided for in Title I, Chapter 120, Section 120.050 of the Municipal Code of the City of Mission on December 8, 2004, and

WHEREAS, a yearly resolution shall be passed specifically outlining the records to be disposed of in accordance with Ordinance No. 1143,

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

Section 1. Destruction Schedule. The City Clerk or other officers or employees of the City, as provided by K.S.A. 12-120, may destroy the following records, documents, or other papers hereafter stated during calendar year 2020:

1. Claims (and any purchase orders thereto attached) presented and allowed by the Governing Body of the City dated prior to January 1, 2015;
2. Warrants or warrant check, whether original or duplicates, that have been paid dated prior to January 1, 2015;
3. Duplicates of receipts or stubs of receipts issued dated prior to January 1, 2017;
4. Duplicates or stubs of licenses issued for license fees or taxes dated prior to January 1, 2017;
5. Bonds of officers or employees dated prior to January 1, 2009, if the period to begin at the termination of the term of the bond is greater than 10 years;
6. Insurance policies dated prior to January 1, 2015, if the period beginning at the expiration of the policy is five years or greater, unless a claim is pending;
7. Cancelled checks dated prior to January 1, 2015;
8. Requisition and duplicate purchase orders dated prior to January 1, 2017;
9. Bonds and coupons, if any, stamped paid or cancelled and returned by the fiscal agent, five years, the period beginning at the date of maturity of the bond or coupon.

Section 2. Effective Date. This resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

PASSED AND APPROVED BY THE CITY COUNCIL this 15th day of January 2020.

APPROVED BY THE MAYOR this 15th day of January 2020.

Ronald E. Appletoft, Mayor

ATTEST:

Martha M. Sumrall, City Clerk

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project), Bond Ordinance Revisions

RECOMMENDATION: Adopt a revised ordinance authorizing the issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2020 for the purpose of paying certain redevelopment project costs in connection with the Fourth Amended Tax Increment Financing Redevelopment Project Plan for the Mission Gateway Project.

DETAILS: On November 18, 2019, the City Council adopted Ordinance 1509 authorizing the issuance of Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2019 for the purpose of paying certain redevelopment project costs in connection with the Fourth Amended Tax Increment Financing Redevelopment Project Plan for the Mission Gateway Project.

At the time the ordinance was approved, the only condition precedent to bond issuance that remained unmet under the First Amendment to the Third Amended and Restated Redevelopment for the Mission Gateway Project was receipt of the final loan documents. The developer's team made (and are still making) progress toward closing the private construction loans, but the review by multiple banks has taken longer than anticipated, and the final loan documents were not ready to close into escrow by mid-December.

We were following a very aggressive schedule, so that the City would be positioned to price bonds if the developer's lender(s) moved quickly. The steps the City took in October/November were important to the overall process, and have helped to better position the developer in conversations with their lenders, and were not wasted effort. The delay in bond pricing does not impact the construction schedule or progress that is occurring on the site.

The developer continues to work on finalizing the loan documents and the team will take the issue to the market as soon as feasible, with the goal of ensuring the issue is positioned for success. The decision to hold off until after the first of the year was in the best interest of both the City and the Developer.

Related Statute/City Ordinance:	K.S.A. 12-1770 <i>et seq.</i>
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

As a result of the revised timeline, there are some minor modifications that are required to the bond ordinance previously adopted. The most significant is the renaming of these bonds as Series 2020 instead of 2019. A redlined version of the updated ordinance as well as a clean copy are included in the packet for your review.

As in our previous discussions surrounding the bonds, once they are issued, the proceeds will be escrowed and will be distributed in accordance with the conditions precedent to bond proceeds distribution as outlined in the Amendment to the Redevelopment Agreement.

The Special Obligation bonds are payable exclusively from revenues generated by the Gateway project and are not backed by the full faith and credit of the City. The City is not responsible for the repayment of these bonds under any circumstances.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	K.S.A. 12-1770 <i>et seq.</i>
Line Item Code/Description:	NA
Available Budget:	NA

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REVENUE BONDS (GATEWAY PROJECT), SERIES ~~2019~~2020, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$46,000,000 OF THE CITY OF MISSION, KANSAS, FOR THE PURPOSE OF PAYING CERTAIN REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH THE FOURTH AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN FOR THE MISSION GATEWAY PROJECT; AUTHORIZING EXECUTION OF CERTAIN OTHER DOCUMENTS; ~~AND~~ MAKING CERTAIN COVENANTS WITH RESPECT THERETO; AND REPEALING AND REPLACING ORDINANCE NO. 1509.

WHEREAS, the City of Mission, Kansas (the “City”), is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the second class; and

WHEREAS, the City has the authority to adopt tax increment financing pursuant to the Kansas Tax Increment Redevelopment Act, constituting sections K.S.A. 12-1770 *et seq.*, as amended (the “Act”); and

WHEREAS, the City created the Mission Gateway Redevelopment District by the passage of Ordinance No. 1190 on January 11, 2006, as amended by the passage of Ordinance No. 1195 on February 8, 2006 (the “Original Redevelopment District”); and

WHEREAS, the City adopted the Fourth Amended Tax Increment Financing Redevelopment Project Plan (the “Redevelopment Plan”) by the passage of Ordinance No. 1468 on October 18, 2017, and the Redevelopment Plan became effective on January 1, 2019; and

WHEREAS, on October 17, 2017, the City passed Ordinance No. 1469 establishing the Mission Gateway Community Improvement District #3 (the “CID”) and levying a 1.0% community improvement district sales tax within the CID for a period of twenty-two (22) years commencing on January 1, 2019 (the “CID Sales Tax”); and

WHEREAS, on September 19, 2018, the City passed Ordinance No. 1487 amending Ordinance No. 1469 in order to delay the commencement date of the CID Sales Tax to July 1, 2020; and

WHEREAS, on November 18, 2019, the City passed Ordinance No. ~~1508~~1508 dividing the Original Redevelopment District into five separate redevelopment districts pursuant to K.S.A. 12-1771(h), one of such resulting redevelopment districts being Rock Creek Redevelopment District No. 1 (Gateway); and

WHEREAS, the City has determined that it is necessary and desirable to issue its Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series ~~2019~~2020 (the “Bonds”), in the maximum aggregate principal amount of \$46,000,000 to pay a portion of the Redevelopment Project Costs in Rock Creek Redevelopment District No. 1 (Gateway), fund a debt service reserve fund, fund capitalized interest on the Bonds, and pay the costs of issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, capitalized terms used herein not otherwise defined shall have their respective meaning as set forth in the Indenture (herein defined).

Section 2. Authorization of the Bonds. The City is hereby authorized to issue and sell the Bonds in the original aggregate principal amount of not to exceed \$46,000,000, the proceeds of which will be used to pay the Redevelopment Project Costs in Rock Creek Redevelopment District No. 1 (Gateway), fund a debt service reserve fund, fund capitalized interest on the Bonds and pay certain issuance costs related to the Bonds. The Bonds (i) shall be issued and secured pursuant to the herein authorized Indenture; (ii) shall be issued in a principal amount of not to exceed \$46,000,000; (iii) shall be issued in minimum denominations of not less than \$100,000 and sold and transferred solely to Qualified Institutional Buyers; (iv) shall have a true interest cost not exceed 5.75% and each maturity of the Bonds shall bear interest at an interest rate of not to exceed the provisions of K.S.A. 10-1009; (v) shall have a final maturity no later than March 1, 2039; and (vi) shall be sold to D.A. Davidson & Co., Denver, Colorado (the “Underwriter”) with a maximum underwriter’s discount of 2.0%.

The final terms of the Bonds shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the Indenture upon the execution thereof.

The Bonds, together with interest and premium, if any, thereon are not general obligations of the City but are limited obligations payable solely from the trust estate pledged to the payment thereof under the Indenture and shall be a valid claim of the respective holders thereof only against the trust estate and other moneys held by the Trustee and the revenues so pledged. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the State of Kansas, the City or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Bonds, the Indenture, the proceedings of the City authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the City, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

Section 3. Security for the Bonds. The City shall deposit the revenues pledged to repayment of the Bonds into the Tax Increment Fund as set forth in the Indenture. The moneys and securities now or hereafter held in, and moneys and securities to be deposited in the Tax Increment Fund and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Bonds. The moneys in the Tax Increment Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance. Such revenues shall be determined and collected in the manner provided by law and as provided in the Indenture.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the City at this meeting (copies of which documents shall be filed in the records of the City), and the City is hereby authorized to execute and deliver each of such documents to which the City is a party (the “City Documents”) with such changes

therein as shall be approved by the officer or officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the City's approval thereof:

(a) Bond Trust Indenture dated as of the date stated therein (the "Indenture"), between the City and Security Bank of Kansas City, as trustee (the "Trustee");

(b) Bond Purchase Agreement dated as of the date of delivery thereof, between the City and the Underwriter;

(c) Tax Compliance Agreement dated as of the date stated therein between the City and the Trustee;

(d) Continuing Disclosure Undertaking dated as of the date stated therein, between the City and the Trustee; and

(e) Master Funding Agreement dated as of the date stated therein, among the Developer, the City, Developer's lenders and the Trustee.

Section 5. Preliminary and Final Limited Offering Memorandum. The Preliminary Limited Offering Memorandum [related to the Bonds](#) is hereby ratified and approved. The final Limited Offering Memorandum is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Limited Offering Memorandum, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor, City Administrator, City Clerk, or Finance Director are hereby authorized to execute the final Limited Offering Memorandum as so supplemented, amended and completed, and the use and limited distribution of the final Limited Offering Memorandum by the Underwriter in connection with the offering of the Bonds is hereby authorized.

Section 6. Execution of Bonds and Documents. The Mayor is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor (or, in the Mayor's absence, the acting Mayor) and other appropriate City officials are hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the City Documents and such other documents, certificates and instruments as may be necessary.

Section 7. Tax Covenants. The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including *Sections 103 and 141 through 150*, necessary to maintain the excludability from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the excludability from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excludable from federal gross income, to the extent any such actions can be taken by the City.

Section 8. Further Authority. The Issuer shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to

the Bonds and the City Documents, including, but not limited to, agreements with respect to the investment of funds held under the Indenture.

Section 9. Governing Law. This Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State of Kansas.

Section 10. Repealer. This Ordinance repeals and replaces Ordinance No. 1509.

Section 11. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of this Ordinance or a summary thereof in the official City newspaper.

PASSED by the governing body of the City on ~~November 18, 2019~~January 15, 2020 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Martha Sumrall, City Clerk

(Published in *The Legal Record* on ~~November 18, 2019~~January 15, 2020)

SUMMARY OF ORDINANCE NO. _____

On ~~November 18, 2019~~January 15, 2020, the governing body of the City of Mission, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REVENUE BONDS (GATEWAY PROJECT), SERIES ~~2019~~2020, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$46,000,000 OF THE CITY OF MISSION, KANSAS, FOR THE PURPOSE OF PAYING CERTAIN REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH THE FOURTH AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN FOR THE MISSION GATEWAY PROJECT; AUTHORIZING EXECUTION OF CERTAIN OTHER DOCUMENTS; ~~AND~~ MAKING CERTAIN COVENANTS WITH RESPECT THERETO; AND REPEALING AND REPLACING ORDINANCE NO. 1509.

The Ordinance authorizes the City of Mission, Kansas, to issue its Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series ~~2019~~2020 (the “Bonds”), in the maximum principal amount of \$46,000,000 for the purpose of paying certain Redevelopment Project Costs pursuant to K.S.A. 12-1770 *et seq.*, fund a debt service reserve fund, fund capitalized interest on the Bonds and pay certain issuance costs related to the Bonds, all as more fully described in the Bond Trust Indenture authorized by the Ordinance. The Bonds are not general obligations of the City but are limited obligations payable solely from the trust estate pledged to the payment therefor under the Bond Trust Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City, 6090 Woodson, Mission, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.missionks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: ~~November 18, 2019~~January 15, 2020.

City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REVENUE BONDS (GATEWAY PROJECT), SERIES 2020, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$46,000,000 OF THE CITY OF MISSION, KANSAS, FOR THE PURPOSE OF PAYING CERTAIN REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH THE FOURTH AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN FOR THE MISSION GATEWAY PROJECT; AUTHORIZING EXECUTION OF CERTAIN OTHER DOCUMENTS; MAKING CERTAIN COVENANTS WITH RESPECT THERETO; AND REPEALING AND REPLACING ORDINANCE NO. 1509.

WHEREAS, the City of Mission, Kansas (the “City”), is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the second class; and

WHEREAS, the City has the authority to adopt tax increment financing pursuant to the Kansas Tax Increment Redevelopment Act, constituting sections K.S.A. 12-1770 *et seq.*, as amended (the “Act”); and

WHEREAS, the City created the Mission Gateway Redevelopment District by the passage of Ordinance No. 1190 on January 11, 2006, as amended by the passage of Ordinance No. 1195 on February 8, 2006 (the “Original Redevelopment District”); and

WHEREAS, the City adopted the Fourth Amended Tax Increment Financing Redevelopment Project Plan (the “Redevelopment Plan”) by the passage of Ordinance No. 1468 on October 18, 2017, and the Redevelopment Plan became effective on January 1, 2019; and

WHEREAS, on October 17, 2017, the City passed Ordinance No. 1469 establishing the Mission Gateway Community Improvement District #3 (the “CID”) and levying a 1.0% community improvement district sales tax within the CID for a period of twenty-two (22) years commencing on January 1, 2019 the (“CID Sales Tax”); and

WHEREAS, on September 19, 2018, the City passed Ordinance No. 1487 amending Ordinance No. 1469 in order to delay the commencement date of the CID Sales Tax to July 1, 2020; and

WHEREAS, on November 18, 2019, the City passed Ordinance No. 1508 dividing the Original Redevelopment District into five separate redevelopment districts pursuant to K.S.A. 12-1771(h), one of such resulting redevelopment districts being Rock Creek Redevelopment District No. 1 (Gateway); and

WHEREAS, the City has determined that it is necessary and desirable to issue its Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2020 (the “Bonds”), in the maximum aggregate principal amount of \$46,000,000 to pay a portion of the Redevelopment Project Costs in Rock Creek Redevelopment District No. 1 (Gateway), fund a debt service reserve fund, fund capitalized interest on the Bonds, and pay the costs of issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, capitalized terms used herein not otherwise defined shall have their respective meaning as set forth in the Indenture (herein defined).

Section 2. Authorization of the Bonds. The City is hereby authorized to issue and sell the Bonds in the original aggregate principal amount of not to exceed \$46,000,000, the proceeds of which will be used to pay the Redevelopment Project Costs in Rock Creek Redevelopment District No. 1 (Gateway), fund a debt service reserve fund, fund capitalized interest on the Bonds and pay certain issuance costs related to the Bonds. The Bonds (i) shall be issued and secured pursuant to the herein authorized Indenture; (ii) shall be issued in a principal amount of not to exceed \$46,000,000; (iii) shall be issued in minimum denominations of not less than \$100,000 and sold and transferred solely to Qualified Institutional Buyers; (iv) shall have a true interest cost not exceed 5.75% and each maturity of the Bonds shall bear interest at an interest rate of not to exceed the provisions of K.S.A. 10-1009; (v) shall have a final maturity no later than March 1, 2039; and (vi) shall be sold to D.A. Davidson & Co., Denver, Colorado (the “Underwriter”) with a maximum underwriter’s discount of 2.0%.

The final terms of the Bonds shall have such other terms and provisions, shall be issued, executed, authenticated and delivered in such manner and shall be subject to such provisions, covenants and agreements, as are set forth in the Indenture upon the execution thereof.

The Bonds, together with interest and premium, if any, thereon are not general obligations of the City but are limited obligations payable solely from the trust estate pledged to the payment thereof under the Indenture and shall be a valid claim of the respective holders thereof only against the trust estate and other moneys held by the Trustee and the revenues so pledged. In no event shall the Bonds be payable out of any funds or properties other than those pledged or acquired under the Indenture, and the Bonds shall not be deemed to constitute a debt or liability of the State of Kansas, the City or of any political subdivision thereof and the issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State of Kansas or any political subdivision thereof to levy any form of taxation therefor or to budget or make any appropriation for their payment. Nothing in the Bonds, the Indenture, the proceedings of the City authorizing the Bonds or the Act shall be construed to be a debt or loan of credit of the City, the State or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction.

Section 3. Security for the Bonds. The City shall deposit the revenues pledged to repayment of the Bonds into the Tax Increment Fund as set forth in the Indenture. The moneys and securities now or hereafter held in, and moneys and securities to be deposited in the Tax Increment Fund and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Bonds. The moneys in the Tax Increment Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance. Such revenues shall be determined and collected in the manner provided by law and as provided in the Indenture.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the City at this meeting (copies of which documents shall be filed in the records of the City), and the City is hereby authorized to execute and deliver each of such documents to which the City is a party (the “City Documents”) with such changes therein as shall be approved by the officer or officers of the City executing such documents, such officers’ signatures thereon being conclusive evidence of their approval and the City’s approval thereof:

(a) Bond Trust Indenture dated as of the date stated therein (the “Indenture”), between the City and Security Bank of Kansas City, as trustee (the “Trustee”);

(b) Bond Purchase Agreement dated as of the date of delivery thereof, between the City and the Underwriter;

(c) Tax Compliance Agreement dated as of the date stated therein between the City and the Trustee;

(d) Continuing Disclosure Undertaking dated as of the date stated therein, between the City and the Trustee; and

(e) Master Funding Agreement dated as of the date stated therein, among the Developer, the City, Developer’s lenders and the Trustee.

Section 5. Preliminary and Final Limited Offering Memorandum. The Preliminary Limited Offering Memorandum related to the Bonds is hereby ratified and approved. The final Limited Offering Memorandum is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Limited Offering Memorandum, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor, City Administrator, City Clerk, or Finance Director are hereby authorized to execute the final Limited Offering Memorandum as so supplemented, amended and completed, and the use and limited distribution of the final Limited Offering Memorandum by the Underwriter in connection with the offering of the Bonds is hereby authorized.

Section 6. Execution of Bonds and Documents. The Mayor is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor (or, in the Mayor’s absence, the acting Mayor) and other appropriate City officials are hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Bonds, the City Documents and such other documents, certificates and instruments as may be necessary.

Section 7. Tax Covenants. The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including *Sections 103 and 141 through 150*, necessary to maintain the excludability from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the excludability from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excludable from federal gross income, to the extent any such actions can be taken by the City.

Section 8. Further Authority. The Issuer shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Bonds and the City Documents, including, but not limited to, agreements with respect to the investment of funds held under the Indenture.

Section 9. Governing Law. This Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State of Kansas.

Section 10. Repealer. This Ordinance repeals and replaces Ordinance No. 1509.

Section 11. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of this Ordinance or a summary thereof in the official City newspaper.

PASSED by the governing body of the City on January 15, 2020 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:

Ronald E. Appletoft, Mayor

Martha Sumrall, City Clerk

(Published in *The Legal Record* on January __, 2020)

SUMMARY OF ORDINANCE NO. _____

On January 15, 2020, the governing body of the City of Mission, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REVENUE BONDS (GATEWAY PROJECT), SERIES 2020, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$46,000,000 OF THE CITY OF MISSION, KANSAS, FOR THE PURPOSE OF PAYING CERTAIN REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH THE FOURTH AMENDED TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN FOR THE MISSION GATEWAY PROJECT; AUTHORIZING EXECUTION OF CERTAIN OTHER DOCUMENTS; MAKING CERTAIN COVENANTS WITH RESPECT THERETO; AND REPEALING AND REPLACING ORDINANCE NO. 1509.

The Ordinance authorizes the City of Mission, Kansas, to issue its Special Obligation Tax Increment Revenue Bonds (Gateway Project), Series 2020 (the “Bonds”), in the maximum principal amount of \$46,000,000 for the purpose of paying certain Redevelopment Project Costs pursuant to K.S.A. 12-1770 *et seq.*, fund a debt service reserve fund, fund capitalized interest on the Bonds and pay certain issuance costs related to the Bonds, all as more fully described in the Bond Trust Indenture authorized by the Ordinance. The Bonds are not general obligations of the City but are limited obligations payable solely from the trust estate pledged to the payment therefor under the Bond Trust Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City, 6090 Woodson, Mission, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.missionks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 15, 2020.

City Attorney

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police Department	From:	Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

RE: Replacement of Front Line Police Department Vehicles

RECOMMENDATION: Authorize, via a lease purchase agreement, the replacement of six (6) new front line patrol vehicles, the peripheral equipment necessary to outfit same, and mobile data devices for each.

DETAILS: The Police Department currently uses Ford Explorer Interceptors for its front line patrol vehicles, the current vehicles were purchased in 2016. These vehicles are used on an almost continuous 24/7 basis by police officers in daily operation. Within four years the vehicles will have logged approximately 100,000 miles of operating time each. Based on our experience, at this point, the vehicles have reached their optimal life span before serious mechanical issues may start to develop and expensive repairs are potentially incurred.

As part of their 2020 Budget request, the Police Department researched vehicles to replace the six (6) front-line patrol vehicles currently in service. Ford Explorer Interceptors and Dodge Police Durangos were tested and evaluated. The Dodge Durango is new to the market for 2020, does not have a proven track record for reliability, and due to the center console shift, makes equipping them as a patrol car more difficult and costly. The Department selected the Ford Police Interceptor as the preferred replacement vehicle. The Interceptors have proven to be extremely reliable and robust.

In March 2019, a price of \$40,663.36 per unit was secured for each vehicles. This price was based on the Joint Vehicle Bid developed each year by the Mid-America Council of Public Procurement (MACPP). Staff has confirmed with Bob Allen Ford that this price will be honored for the 2020 purchase, bringing the total vehicle cost to \$243,980.16.

In addition to replacing the six (6) front line patrol vehicles, the Police Department will select three (3) vehicles from the current front line fleet to replace the secondary vehicles (the supervisor's unit, traffic unit, and reserve unit) which are all older model, Chevrolet Tahoes. This provides the Department with an all Ford fleet, enabling them to streamline maintenance through the use of a single vendor.

The cost of outfitting the vehicles with the necessary peripheral equipment is estimated to be approximately \$20,000 per vehicle. This price includes both equipment and labor. Because of design changes occurring with the new model year, equipment from the current vehicles cannot be readily reused in the new ones.

In addition to the vehicles and associated equipment, the Department also plans to purchase new mobile data devices (laptops) for the vehicles. The devices will be Panasonic devices designed for public sector use, evices, more commonly referred to as "Toughbooks." Like the vehicles, they are tried and true with proven reliability. The cost for each device will be \$4,733.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-30-403-01
Available Budget:	\$125,000 (4-Year Annual Lease)

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police Department	From:	Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

The Department plans to purchase a total of nine (9) devices - six for the new patrol vehicles and three for the secondary patrol vehicles (supervisor unit, traffic unit, and reserve unit).

The 2020 Budget also included funds for the Police Department to purchase an upgraded video system that includes in-car video equipment and officer-worn body cameras. The purchase of the video system is addressed in a separate action item on the Finance and Administration Committee's agenda.

Staff is recommending Council authorize the replacement of six (6) new front line police vehicles, including equipment outfitting, and the replacement of nine (9) mobile data devices [6 new front-line vehicles and 3 secondary patrol vehicles] through a lease purchase agreement. Base costs for the replacement is estimated as follows:

(6) Ford Explorer Interceptor	\$243,980.16
(6) Outfitting Patrol Vehicle	\$120,000.00
(9) Mobile Data Terminals	<u>\$ 42,597.00</u>
Total	\$406,577.16

The current front line vehicles not passed down in the fleet, as well as the existing secondary vehicles will be stripped and sold via auction. In past auctions, the vehicles have sold for as much as \$7,000 each. Proceeds from the sale of vehicles and equipment will be deposited in the Equipment Reserve and Replacement Fund.

The recommendations regarding the lease purchase agreement are included as a separate item on the Finance & Administration Committee's agenda.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-30-403-01
Available Budget:	\$125,000 (4-Year Annual Lease)

BOB ALLEN FORD

9239 Metcalf
Overland Park, KS 66212



3/21/2019

IMS2 screen capture

CNGP530

VEHICLE ORDER CONFIRMATION

03/21/19 12:16:28

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Dealer: F53009

2020 EXPLORER 4-DOOR

Page: 1 of 2

Order No: 1212 Priority: F1 Ord FIN: QN985 Order Type: 5B Price Level: 020

Ord Code: 500A Cust/Flt Name: CITY OF MISS PO Number:

RETAIL

RETAIL

K8A 4DR AWD POLICE \$40615
.119.09" WB
UM AGATE BLACK
9 CLTH BKTS/VNL R
6 EBONY
500A EQUIP GRP
.AM/FM STEREO

60R NOISE SUPPRESS \$100
66A FRONT HDLMP PKG 895
.GRILL WIRING
66C REAR LIGHT PKG 455
76D DEFLECTOR PLATE 335
76R REVERSE SENSING 275
794 PRICE CONCESSN

99C 3.0L ECOBOOST 790
44U 10SPD AUTO TRAN NC
17T CARGO DOME LAMP 50
19V R CAM ON DEMAND 230
425 50 STATE EMISS NC
43D COURTESY DISABL 25
51R DRV LED SPT LMP 395
59E KEY CODE 1435X 50

TOTAL BASE AND OPTIONS 45310
TOTAL 45310

THIS IS NOT AN INVOICE
*TOTAL PRICE EXCLUDES COMP PR

* MORE ORDER INFO NEXT PAGE *

F8=Next
F3/F12=Veh Ord Menu
F9=View Trailers

F1=Help F2=Return to Order
F4=Submit F5=Add to Library

S006 - MORE DATA IS AVAILABLE.

QC05167

Kevin Here is the 3.0 EcoBoost Engine Quote

40,663.³⁶

1/1

CNGP530

VEHICLE ORDER CONFIRMATION

03/21/19 12:16:38

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Dealer: F53009

2020 EXPLORER 4-DOOR

Page: 2 of 2

Order No: 1212 Priority: F1 Ord FIN: QN985 Order Type: 5B Price Level: 020

Ord Code: 500A Cust/Flt Name: CITY OF MISS PO Number:

RETAIL

RETAIL

REMARKS TRAILER

87R RR VIEW MIR/CAM NC

153 FRT LICENSE BKT NC

SP FLT ACCT CR

FUEL CHARGE

DEST AND DELIV 1095

TOTAL BASE AND OPTIONS 45310

TOTAL 45310

THIS IS NOT AN INVOICE

*TOTAL PRICE EXCLUDES COMP PR

F1=Help

F2=Return to Order

F7=Prev

F4=Submit

F5=Add to Library

F3/F12=Veh Ord Menu

F9=View Trailers

S099 - PRESS F4 TO SUBMIT

QC05167

2/2

11/31/2019
REVISED

**2020 UTILITY POLICE INTERCEPT
PRICE LIST
(PRICE LEVEL CODE 020)**

**2020 UTILITY POLICE INTERCEPT
PRICE LIST
(PRICE LEVEL CODE 020)**

MODEL		SERIES CODE	BASE VEHICLE PRICE
Police Interceptor	AWD.	K8A	Utility Police Interceptor AWD
ALL MODELS			Destination and Delivery

TRIM SERIES	DRIVE	PKG. CODE	PREFERRED EQUIPMENT PACKAGES
Police Interceptor		65U	Interior Upgrade Package
		66A	Front Headlamp Lighting Solution
		86T	Tail Lamp / Police Interceptor Housing Only
		66B	Tail Lamp Lighting Solution
		66C	Rear Lighting Solution
		67H	Ready For the Road Package

ENGINE	DRIVE	OPTION CODE	POWERTRAINS
		99W	3.3L V6 DI Hybrid Engine
		99B	3.3L V6 DI Engine
		99C	3.0L V6 EcoBoost Engine

MODEL		OPTION CODE	TIRES
Police Interceptor		65L	Wheel Covers (18 in. Full Face Wheel Cover)
		64E	18 in. Painted Aluminum Wheel

OPTION CODE	OTHER OPTIONS
67U	Ultimate Wiring Package
67V	Police Wire Harness Connector Kit - Front/Rear
41H	Engine Block Heater
153	License Plate Bracket - Front
43D	Dark Car Feature - Courtesy lamp disable when any door is opened
942	Daytime Running Lamps
17T	Dome Lamp - Red/White in Cargo Area
21L	Front Warning Auxiliary Light
96W	Front Interior Windshield Warning Lights
60A	Pre-Wiring for grille LED lights, siren and speaker
43A	*Rear Auxiliary Liftgate Lights
63L	Rear Quarter Glass Side Marker Lights
96T	Rear Spoiler Traffic Warning Lights
63B	Side Marker LED - Sideview Mirrors
51P	Spot Lamp Prep Kit, Driver Side
51W	Spot Lamp Prep Kit, Dual Side
51R	Spot Lamp - LED Bulb, Driver Only (Unity)
51T	Spot Lamp - LED Bulb, Driver Only (Whelen)
51S	Spot Lamp - LED Bulb, Dual (driver and passenger) (Unity)
51V	Spot Lamp - LED Bulb, Dual (driver and passenger) (Whelen)
92G	Glass - Solar Tint 2nd Row, Rear Quarter and Liftgate Window (Deletes Privacy Glass)
92R	Glass - Solar Tint 2nd Row Only, Privacy Glass on Rear Quarter and Liftgate Window
76D	Deflector Plate
87R	Rear View Camera (mirror display)
19V	Rear Camera On-Demand
52P	Hidden Door-Lock Plunger w/Rear-door controls inoperable
68G	Rear-Door Handles Controls Inoperable / Locks Inoperable (without 52P)
18D	Global Lock / Unlock feature
55F	Remote Keyless-Entry Key FOB
59E	Keyed Alike - 1435x
59B	Keyed Alike - 1284x
59D	Keyed Alike - 0135x
59F	Keyed Alike - 0576x
59J	Keyed Alike - 1111x
59C	Keyed Alike - 1294x
59G	Keyed Alike - 0151x

OPTION CODE	OTHER OPTIONS (continued)
16C	1st and 2nd row carpet floor covering (incl. floor mats, front and rear)
88F	2nd Row Cloth Seats
	2nd Row Cloth Seats (incl w/ 65U)
87P	Power Passenger Seat
85D	Front Console Plate - Delete
85S	Rear Center Seat Delete
85R	Rear Console Plate
90D	Ballistic Door Panels (LVL III+) - Driver Front Door Only
90E	Ballistic Door Panels (LVL III+) - Driver & Pass Front Doors
90F	Ballistic Door Panels (LVL IV+) - Driver Front Door Only
90G	Ballistic Door Panels (LVL IV+) - Driver & Pass Front Doors
55B	BLIS - Blind Spot Monitoring with Cross Traffic Alert
68B	Police Perimeter Alert
76P	Pre-Collision Assist with Pedestrian Detection
549	Mirrors - Heated Sideview
593	Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Liftgate (req 55F)
47A	Police Engine Idle Feature
76R	Reverse Sensing System
17A	Aux Air Conditioning
16D	Badge Delete
63V	Cargo Storage Vault
52T	Class III Trailer Tow Lighting Package
19K	H8 AGM Battery
60R	Noise Suppression Bonds (Ground Straps)
16P	Rear Bumper Step Pad
18X	100 Watt Siren/Speaker (includes bracket and pigtail)



Turn-Key Mobile, Inc.

210 Prodo Drive
Jefferson City, MO 65109

573-893-9888 Office 314-754-9794 Fax

Proposal

Date	Proposal #
2/13/2019	22849

Name / Address
Mission Police Department 6090 Woodson St. Mission, KS 66202

Sales Rep	Prepared By	PO #	Accepted By
BH	Terry		

Item	Description	Qty	Rate	Total
CF-33LE-02VM	Panasonic Public Sector Specific, Win10 Pro, Intel Core i5-7300U 2.60GHz, vPro, 12.0" QHD Gloved Multi Touch+Digitizer, 8GB, 256GB SSD, Intel WiFi a/b/g/n/ac, TPM 2.0, Bluetooth, Dual Pass (Upper:WWAN/Lower:dGPS), 4G LTE Multi Carrier (EM7455), dGPS, Infrared Webcam, 8MP Cam, Contactless SmartCard, Toughbook Preferred, 3 Year ProService Premier Deployment Service, TabletPC ProPlus Warranty, 256 SSD no return service, and Custom BIOS.	1	3,135.00	3,135.00
CF-VEK331LMP	Panasonic Premium Keyboard for CF-33.Emissive Red Backlit (4 levels).Handle/kickstand - display can be opened to any angle.Compatible with Tablet, 33 Laptop Vehicle Dock, and 33 Desktop Dock.Ethernet, SDXC (full-size), HDMI, VGA, USB 2.0, USB 3.0 (2), Serial	1	583.00	583.00
GJ-33-LVD2	Panasonic Gamber-Johnson laptop vehicle dock (dual pass) for the Panasonic CF-33.USB 2.0(4),USB 3.0(2),Serial, Ethernet (2),HDMI,VGA,Docking Connector,Dual RF, Power, Release Lever,Lock.Features two front USB ports for easy access.Requires Premium Keyboard. NO power adapter included.	1	805.00	805.00
PA-1580-1921	Lind Electronics Bare Wire DC Power Adapter 120 watt compatible with Panasonic CF-53, CF-54, CF-74, CF-31, CF-33	1	130.00	130.00
SDT1230-022	LIND ELECTRONICS, Protective - Vehicle Battery Voltage - Shut Down Timer (Non fused with Screw terminal connections), delay time of 5 seconds to 4 hours	1	80.00	80.00
CF-SVCPSY5	Option Panasonic Service Bundle 4th and 5th years Public Safety Service Bundle Add on (Year 4 & 5 only). Must be purchased in conjunction with PS bundle base unit.Includes Premier, Protection Plus, Customer Portal, Disk Image Management, HDD No Return	0	600.00	0.00

Proposals are good for 30 days. Please ask your rep for updated pricing and availability.

Total

\$4,733.00

10%

Shipping is included.

Signature

5206

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police Department	From:	Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

RE: Replacement of the Police Department's In-car and body camera video systems.

RECOMMENDATION: Authorize the purchase of the WatchGuard video system to include 10 in-car systems, 2 motorcycle cameras and 26 body cameras, including hardware and software in the amount of \$176,741.50.

DETAILS: Over the last 12-18 months, the Police Department has been researching new video systems to replace our current L3 MobileVision system which includes both in-car and body worn cameras. Part of the catalyst for the evaluation of a new system was due to loss of man hours and equipment failure associated with the current system.

The current L3 MobileVision system lacked storage options and reliability. In order to improve storage options, purchase of all new L3 MobileVision equipment would be required, however L3 MobileVision had not addressed the reliability issues. Although the cost of the new system with L3 MobileVision was comparable to the cost of other systems evaluated, MobileVision was eliminated from the process because of the proven lack of reliability.

The initial research allowed the team to determine certain parameters for both software and hardware. These parameters were used to select three manufactures to be invited to give a demonstration and submit units for test and evaluation. During this selection process video storage was discussed with each vendor. The Department determined that a hybrid system best suited their operating and provided the most cost effective way to store videos. This hybrid system would allow short term storage on premise and long term storage in a cloud based "vault."

The Department evaluated three systems: WatchGuard, Panasonic and Axon. The specifications and parameters provided to vendors was as follows:

- System includes hybrid storage - on premises and cloud storage
- Need for integrated in-car camera and body camera
- Ability to have multiple officers on scene recording
- Enhanced viewing technology and stability control
- The ability to use ambient light to record in low light

The quotes for these systems are summarized in the table below. Of the three systems evaluated, WatchGuard provided the lowest and best option.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-37-404-07
Available Budget:	\$185,000.00

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police Department	From:	Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

Firm	Amount Quoted
WatchGuard	\$176,741.50
Panasonic	\$299,230.00
Axon	\$152,460.00

The total cost of the WatchGuard system is \$176,741.50. A detailed quote has been provided in the packet. In this quote you will see both hardware and software costs. Also included in this quote is the addition of a 5 year software/hardware warranty. This warranty covers replacement and updates for both software and hardware.

The Police Departments intends to utilize a hybrid storage system whereby video footage will be stored on an on-premise service for a set number of days and then will be either up-loaded to the cloud for long-term storage or be deleted if there is no further use for it.

A separate, on-premise server will be purchased for this system, and funds were allocated in the Department's 2020 budget. Once storage specifications are finalized, quotes will be solicited for the purchase of the server and brought to the Council for consideration and approval.

Since the new system includes on-board vehicle cameras, the coordination of the new vehicle purchase (separate item on this agenda) and installation of cameras will be critical.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	01-37-404-07
Available Budget:	\$185,000.00



4RE/VISTA Price Quote

CUSTOMER: Mission Police Department

ISSUED: 8/26/2019 4:08 PM

EXPIRATION: 9/25/2019 5:00 AM

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,,
'''

**TOTAL PROJECT ESTIMATED AT:
\$176,741.50**

ATTENTION: Capt Kevin Self

SALES CONTACT: Kenny James

PHONE: 913-676-8300

DIRECT: (214) 785-2615

E-MAIL:

E-MAIL:
kenny.james@motorolasolutions.com

4RE and VISTA Proposal VISTA HD Cameras and Options

Part Number	Detail	Qty	Direct	Discount	Total Price
VIS-EXT-WIF-001	VISTA HD Wi-Fi Extended Capacity Wearable Camera with 9 hours continuous HD recording. Includes one camera mount, 32 GB of storage, Wi-Fi docking base, Smart PoE Switch, cables and 1 year warranty.	2.00	\$1,445.00	\$144.50	\$2,601.00
VIS-EXT-WIF-BUN	VISTA HD WiFi and 4RE System Bundle. Includes 4RE Standard DVR Camera System with integrated 200GB automotive grade hard drive, ZSL camera, 16GB USB removable thumb drive, rear facing cabin camera, GPS, hardware, cabling and your choice of mounting bracket. It will also include the VISTA HD Wi-Fi Extended Capacity Wearable Camera with 9 hours continuous HD recording, one camera mount, 32 GB of storage, Wi-Fi docking base, Power over Ethernet Smart Switch	10.00	\$5,550.00	\$555.00	\$49,950.00
VIS-EXT-WIF-001	VISTA HD WiFi Additional Camera Only	26.00	\$995.00	\$99.50	\$23,283.00
VIS-CHG-BS2-KIT	VISTA Charging Base R2 Kit, incl. Power and USB Cables	1.00	\$95.00	\$9.50	\$85.50
VIS-VTS-DTC-001	VISTA Transfer Station Assy, 8 Cameras, Ethernet, DEV 144, Enhanced ESD Protection	4.00	\$1,495.00	\$149.50	\$5,382.00

VISTA HD Warranties

Part Number	Detail	Qty	Direct	Discount	Total Price
WAR-VIS-WIF-NOF	3 Year VISTA WiFi, No-Fault Hardware and Software Maintenance Bundle	38.00	\$650.00	\$0.00	\$24,700.00

Evidence Library 4 Web Software and Licensing

Part Number	Detail	Qty	Direct	Discount	Total Price
KEY-EL4-SRV-001	Evidence Library 4 Web Server Site License Key	1.00	\$1,000.00	\$0.00	\$1,000.00
KEY-EL4-DEV-004	Evidence Library 4 Web VISTA Combo-Discount Device License Key	12.00	\$75.00	\$0.00	\$900.00
KEY-EL4-DEV-002	Evidence Library 4 Web VISTA Device License Key	26.00	\$150.00	\$0.00	\$3,900.00

415 E. Exchange Parkway • Allen, TX • 75002
Toll Free (800) 605-6734 • Main (972) 423-9777 • Fax (972) 423-9778
www.WatchGuardVideo.com



4RE/VISTA Price Quote

KEY-EL4-DEV-001	Evidence Library 4 Web 4RE In-Car Device License Key	12.00	\$150.00	\$0.00	\$1,800.00
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4RE In-Car System and Options

Part Number	Detail	Qty	Direct	Discount	Total Price
CAM-4RE-PAN-NHD	Additional Front Camera, 4RE, HD Panoramic	10.00	\$200.00	\$20.00	\$1,800.00

4RE Motorcycle System

Part Number	Detail	Qty	Direct	Discount	Total Price
4RE-64S-GPS-MTR	4RE Motorcycle Camera System. Includes Waterproof Display, Waterproof standard definition camera, DVR, integrated 64GB solid state hard drive, 16GB USB removable thumb drive, GPS, 900 MHz Hi Fidelity wireless microphone, hardware, cabling and mounts.	2.00	\$5,295.00	\$529.50	\$9,531.00

Wireless Video Transfer and Networking Options

Part Number	Detail	Qty	Direct	Discount	Total Price
4RE-WRL-KIT-101	4RE In-Car 802.11n Wireless Kit, 5GHz (2.4 GHz is available by request)	12.00	\$200.00	\$20.00	\$2,160.00
WAP-MIK-CON-802	WiFi Access Point, Configured, MikroTik, 802.11n, 5GHz, SXT, AP	2.00	\$250.00	\$25.00	\$450.00

4RE Hardware Warranties

Part Number	Detail	Qty	Direct	Discount	Total Price
WAR-4RE-CAR-5TH	5 Year 4RE Hardware and Software Maintenance Bundle	12.00	\$1,375.00	\$0.00	\$16,500.00

Software Maintenance and CLOUD-Share

Part Number	Detail	Qty	Direct	Discount	Total Price
SFW-MNT-EL4-001	Software Maintenance, Evidence Library, 1st Year (Months 1-12)	50.00	\$0.00	\$0.00	\$0.00
SFW-EL4-CLD-BAS	Evidence Library 4 Web CLOUD - SHARE - Basic for VISTA	50.00	\$0.00	\$0.00	\$0.00
SFW-EL4-CLD-BAS	Evidence Library 4 Web CLOUD - SHARE - Basic for 4RE	60.00	\$0.00	\$0.00	\$0.00

Additional Software and Licensing

Part Number	Detail	Qty	Direct	Discount	Total Price
KEY-WGV-RED-001	Software, REDACTIVE(sm) , Single User License, Rev 3.0	1.00	\$4,995.00	\$0.00	\$4,995.00
WAR-WGR-MNT-3YR	REDACTIVE(sm), Software Support & Maintenance, 3-Year Bundle	1.00	\$2,795.00	\$0.00	\$2,795.00
HDW-4RE-VIS-RED	Redactive Tower, Xeon 16 Core, 480GB SSD, Blu Ray DVDRW, 16GB RAM	1.00	\$4,000.00	\$400.00	\$3,600.00

WatchGuard Video Technical Services

Part Number	Detail	Qty	Direct	Discount	Total Price
SVC-VID-REM-100	Video System Removal (Per Unit Charge)	12.00	\$150.00	\$0.00	\$1,800.00
SVC-4RE-INS-100	4RE System Installation, In-Car (Per Unit Charge)	10.00	\$450.00	\$0.00	\$4,500.00
SVC-4RE-ONS-300	4RE, On-Site Service, Access Point/Wireless Deployment Installation (General)	2.00	\$1,000.00	\$0.00	\$2,000.00
SVC-4RE-ONS-400	4RE System Setup, Configuration, Testing and Training (WG-TS)	1.00	\$2,500.00	\$0.00	\$2,500.00
BRK-DV1-MIC-100	4REm motorcycle system installation	2.00	\$1,200.00	\$0.00	\$2,400.00
DV1-AOH-GPS-RFB	EL4 - Vista annual software maintenance -	74.00	\$75.00	\$0.00	\$5,550.00

415 E. Exchange Parkway • Allen, TX • 75002
 Toll Free (800) 605-6734 • Main (972) 423-9777 • Fax (972) 423-9778
www.WatchGuardVideo.com



4RE/VISTA Price Quote

years 4 & 5					
DV1-BMD-GPS-RFB	REDACTION - annual software maintenance - years 4 & 5	2.00	\$932.00	\$0.00	\$1,864.00
DV1-CMD-GPS-RFB	Delete wireless audio hifi mic kit from 4REm	2.00	\$-450.00	\$0.00	\$-900.00
WGV-CLD-LIM-201	Limited Tiered Storage, Microsoft Azure Government, this plan is billed on a monthly basis and is based upon the actual amount of storage that you are using. It is billed at .03 per GB per month. The price listed here is an estimate based on your total storage needs and does not factor in ramping up to final total.	1.00	\$420.00	\$0.00	\$420.00

Shipping and Handling

Part Number	Detail	Qty	Direct	Discount	Total Price
Freight	Shipping/Handling and Processing Charges	1.00	\$1,175.00	\$0.00	\$1,175.00
					\$176,741.50

Total Estimated Tax, may vary from State to State \$0.00

Configuration Discounts	\$10,982.50
Additional Quote Discount	\$0.00
Total Amount	\$176,741.50

NOTE: This is only an estimate for 4RE & VISTA related hardware, software and WG Technical Services. Actual costs related to a turn-key operation requires more detailed discussion and analysis, which will define actual back-office costs and any costs associated with configuration, support and installation. Please contact your sales representative for more details.

To accept this quotation, sign, date and return with Purchase Order: _____ DATE: _____

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police/Administration	From:	Brian Scott/Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

RE: Lease-Purchase Resolution for Police Fleet and Equipment

RECOMMENDATION: Approve a Resolution authorizing the City to proceed with soliciting proposals for the lease-purchase of six (6) replacement police vehicles and associated equipment for a total amount not to exceed \$440,000 with payments made over a term of four years.

DETAILS: The Police Department is planning to replace six (6) front line patrol vehicles in early 2020. The Police Department schedules replacement of its front-line patrol vehicles every four (4) years. This is the optimal point where the vehicles have reached their full-life expectancy before starting to develop serious mechanical issues that may require expensive repairs. Details on the specific vehicles to be purchased were included as a separate action item on the Finance & Administration Committee's agenda (Item 4).

The cost for the six new patrol vehicles totals \$243,980.16 (\$40,663.36/vehicle). The equipment required to outfit the same includes things such as light-bars, sirens, and prisoner cages for a total of \$120,000 (\$20,000/vehicle) including labor for installation. Because the replacement vehicles are newer models with a slightly different design, most of the components on the current vehicles cannot be re-used in the new vehicles.

In addition to the vehicles and associated equipment, the Police Department plans to purchase new mobile data terminals (laptops) for each of the vehicles, and video equipment (in car video and body cameras) for the vehicles and officers. The new mobile data terminals cost \$42,597 (\$4,733/terminal) and is included in the total amount to be considered for lease-purchase funding. The video equipment (in-car and body camera) costs are \$176,741.50. This purchase was included in the 2020 budget as a one-time purchase, and will not be part of the lease-purchase arrangement.

Traditionally, the City has opted to finance purchases of this size through a lease-purchase agreement with a lending institution. In such an arrangement, the lending institution holds title to the vehicles and the City makes a series of lease payments over a period of time. Upon the final lease payment, the vehicles become the property of the City. Although the City incurs some interest costs with a lease-purchase transaction, it allows for a more effective and predictable method of budgeting for large capital equipment purchases. Lease-purchase versus outright purchase is evaluated in connection with each transaction to determine the best outcome.

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-808-01
Available Budget:	\$125,000 for FY 2020 (budget for annual lease payment for 4 years)

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Police/Administration	From:	Brian Scott/Ben Hadley

Action items require a vote to recommend the item to full City Council for further action.

The Resolution authorizes staff to work with our financial advisor to solicit bids from lending institutions to ensure the transaction can be secured at the lowest interest rate. Once the lowest bidder has been identified, the City's bond counsel will draw-up documents setting forth the terms and conditions for the lease-purchase agreement. The selected bid and documents are then approved by the City Council and proceeds from the lease are placed in escrow from which either vendors will be paid, or the City will be reimbursed for its costs. Fees for the services of the financial advisor and bond counsel are typically included as a part of the lease-purchase agreement.

The entire purchase amount for this transaction will be approximately \$407,000. Transactional fees are estimated to be approximately \$30,000 bringing the entire amount to be financed to \$437,000.

Preliminary leasing structures developed by the City's financial advisor estimate a potential interest rate of 2.5% on a four-year transaction, resulting in estimated interest in the amount of \$25,000 - 27,000 for a total budgetary impact of \$462,000 - 464,000. These costs may be lower than anticipated, and any final sizing will be adjusted following receipt of bids to allow the City to preserve the greatest amount of financial flexibility.

The attached Resolution would authorize the staff to proceed with soliciting bids and drawing up the associated lease-purchase documents. Bid results and documents would be presented to the Council at the February 5 Finance & Administration Committee meeting. The City Council will be asked to consider the documents that actually secures the funds at their meeting in March.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-808-01
Available Budget:	\$125,000 for FY 2020 (budget for annual lease payment for 4 years)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACQUISITION OF POLICE VEHICLES AND OTHER PUBLIC SAFETY EQUIPMENT BY PURCHASE OR LEASE FOR THE CITY OF MISSION, KANSAS.

WHEREAS, the City of Mission, Kansas (the “City”), desires to acquire and equip certain police vehicles and other public safety equipment (the “Equipment”); and

WHEREAS, in order to expedite the ordering of such Equipment, the City needs to enter into a purchase order for such Equipment; and

WHEREAS, the City expects that such Equipment will be financed by a lease-purchase agreement with vendors to be selected by the City.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. City staff is authorized to execute and deliver purchase orders for the Equipment in an amount not to exceed \$460,000.

Section 2. City staff is authorized to solicit lease purchase proposals to finance the Equipment.

Section 3. The City may incur costs for the Equipment in the maximum principal amount of \$640,000, and the City intends to reimburse itself for such expenditures with the proceeds of tax-exempt bonds, notes or a lease purchase agreement.

Section 4. The Mayor, City Administrator, City Clerk, Finance Director and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the intent of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the City Council on January 15, 2020.

(SEAL)

ATTEST:

Ronald E. Appletoft, Mayor

Martha Sumrall, City Clerk

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: City of Mission’s 2020 Personnel Policies and Guidelines

RECOMMENDATION: Approve the ordinance adopting the changes proposed to the City of Mission’s Personnel Policies and Guidelines effective February 1, 2020.

DETAILS: Each year staff conducts a review of the City’s Personnel Policies and Guidelines. The review, done in conjunction with an external HR consultant, ensures that the City’s personnel policies conform with the most current federal and state regulations, and accurately reflect the organization’s current policies and practices. Changes to the policies are approved by ordinance, which incorporates them into the City of Mission Municipal Code.

A copy of the current Personnel Policies and Guidelines is attached with proposed changes shown in strikeout (deletions) and underlines (insertions). Throughout the document, the pronoun “they/their” was added wherever s/he or his/hers is used. A listing of the impacted sections and page number is detailed below:

- A-2, page 1
- A-7, page 2
- C-2, page 5
- C-6, page 8
- D-3, page 9
- D-4, page 9
- D-6, page 11
- D-9, page 12
- E-1, page 13
- E-5, page 16, page 17
- E-9, page 18
- E-10, page 19
- E-11, page 20, page 21
- E-12, page 22
- E-15, page 23
- F-7, page 25
- F-11, page 26
- F-12, page 27
- F-13, page 28
- F-18, page 31
- G-1, page 33
- G-3, page 34
- G-4, page 35
- G-5, page 37
- H-1, page 37
- H-2, page 37
- I-1, page 38
- J-3, page 39
- J-4, page 40
- J-5, page 41, page 42
- K-2, page 43
- M-3, page 44
- M-4, page 45
- N-2, page 48
- N-7, page 57

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

The Position “Human Resources Specialist has been replaced by “Payroll / Benefits Specialist.” A listing of the impacted sections and page number is detailed below:

- A-4, page 2
- A-8, page 3
- D-1, page 9
- E-6, page 17
- F-15, page 30
- G-4, page 35
- N-7, page 57

A listing of the remaining proposed changes are highlighted in the table below:

Section Number - Page Number	Recommended Revision
B-1, page 3 - Position Classifications	Update for most recent adoption of pay plan
D-6, page 10 - Overtime Compensation	Creates uniform calculation for overtime hours based on a 40 hour work week following change in timekeeping system. Previously, the personnel guidelines described that non-exempt sworn police personnel were paid for overtime calculated on a 28-day work period.
D-6, page 11 - Overtime Compensation	Adjust overtime rounding policy. Overtime is rounded and tracked in 10-minute increments following change in timekeeping system. Previously, the personnel guidelines described that overtime was to be tracked in 15-minute increments.
Section Number - Page Number	Recommended Revision
E-5, page 1 - Sick Leave	Planned sick leave will be tracked in half hour increments. Unplanned sick leave for non-exempt hourly employees shall be tracked in 15 minute increments if entered manually by a supervisor, or will follow the

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	January 8, 2020
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

	same rounding procedures as used for regular time, if entered using the electronic timekeeping system.
F-20, page 32 - Cell Phones	Adjusting language around personal use of cell phones while on duty.

Once any recommended changes are reviewed and finalized, the City Council will consider and adopt an ordinance which, following publication, will incorporate the Personnel Policy and Guidelines as a part of Mission's Municipal Code with an effective date of February 1, 2020.

CFAA CONSIDERATIONS/IMPACTS: The City strives to recommend and adopt flexible employment practices which meet the needs of employees of all ages and abilities.

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

CITY OF MISSION
Ordinance No. _____

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 February 1, 2020 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 February 1, 2020.

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 15th day of January 2020.

APPROVED BY THE MAYOR this 15th day of January 2020.

Ronald E. Appletoft, Mayor

(SEAL)

Attest:

Martha Sumrall, City Clerk



Personnel Policy and Guidelines City of Mission, KS

February 1, 2020

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.

**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, gender identity, marital status, familial 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/he/she/they 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 ~~Payroll / Benefits Specialist~~ ~~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, gender identity, marital status, familial 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~~~~he~~~~she~~~~they~~ 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 Payroll / Benefits 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 ~~August 2017~~ April 2019 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~~ his/her/their 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: Assistant City Administrator/Finance Director, 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 a time period of up to 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~~ his/her/their 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-Payroll and Benefits 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/his/her/their 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/his/her/their final paycheck on the first regularly scheduled payday following his/her/his/her/their 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.~~

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~~(2) All other non~~Non-exempt personnel shall be paid overtime for actual hours worked over 40 hours in a work week.

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(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 150-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~~his/her/their home or any particular place, but is required to leave work where ~~s/he~~he/she/they 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. Flexible scheduling should be done within a single work week and should not result in an overtime situation.

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/hersis/her/their 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/his/her/their 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/his/her/their 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/his/her/their 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 planned absence chargeable to sick leave shall be charged in whole half hourly increments, ~~(no fractions of hours) with a minimum charge of one hour.~~ Unplanned absence chargeable to sick leave for non-exempt hourly employees shall be charged in 15 minute increments if

~~entered manually by a supervisor, or will follow the same rounding procedures as used for regular time, if entered using the electronic timekeeping system to make up the balance of the scheduled shift. Absence chargeable to sick leave for exempt employees will be charged in half hour increments.~~

- (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~~his/her/their 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~~Payroll / Benefits Specialist may be contacted. After discussing the issue with the Department Director and the City Administrator, the ~~Human Resources Specialist~~Payroll / Benefits 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/his/her/their](#) 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/he/she/they** 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/his/her/their](#) 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~~he/she/they 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~~his/her/their 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/his/her/their 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/his/her/their 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 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.

E-18 Work From Home. Occasional work from home may be granted for urgent personal matters. However, it must always be done with prior approval from your manager. If you are working from home, your work area must be free from distractions and you must be available. As all employees are needed at work to serve our citizens, the City reserves the right to deny "working from home" for any business reason.

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/his/her/their](#) 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/his/her/their 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.

F-12. Retirement Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for a tenure-based percentage of the monthly premium for the following retired employees under the following circumstances and to the following extent:

- (a) The percentage of the premium paid by the City will be based on the employee's tenure with the City upon retirement as follows:
- 10-14 Years of Service 25% subsidy of lowest plan
 - 15-19 Years of Service 30% subsidy of lowest plan
 - 20-24 Years of Service 40% subsidy of lowest plan
 - 25+ Years of Service 50% subsidy of lowest plan
- (b) The City will pay the appropriate tenure-based percentage (as defined above) of medical benefit costs, not to include dental or vision, less any amount the Social Security disabled employee receives from a future employer's short-term disability plan until the disabled employee receives Social Security Medicare benefits.

- (c) Employees who are under the age of 65 years when they retire and shall have retired within the retirement eligibility guidelines of the Kansas Public Employees Retirement System (KPERS and KP&F) may participate in this coverage.
- (d) Employees who wish to participate in this coverage must elect to do so 30 days or more before their retirement date.
- (e) This tenure-based percentage premium plan is available only to retired employees and their spouses. Status of employee versus employee plus spouse is determined upon date of retirement. A spouse may not be added, nor a different spouse substituted after that date. The City's percent participation is limited to lowest applicable employee or employee and spouse premium rates.
- (f) Employee and child or family insurance coverage may be purchased by retired employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's percentage is limited to employee (applied to employee and child) or employee and spouse basic (applied to family) premium amount.
- (g) This coverage will cease when a retired employee reaches age 65 or becomes eligible for Medicare.
- (h) In the event of the retired employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. ~~His/her~~His/her/their 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 the appropriate tenure-based percentage of the monthly coverage.
- (i) If a retired employee or spouse fails to make ~~his/her~~his/her/their 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/herHis/her/their 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/herhis/her/their 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-Payroll / Benefits 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.
- (6) Employees are required to adhere to the same behavioral and professional standards when traveling as they do when at work at the City.

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/his/her/their](#) 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. Please do not take recreational pictures of co-workers without their permission.

Personal Use of Cell Phones. ~~Unless being used for bonafide business purposes, cell phones should not be used while on duty. If you are expecting a call regarding an urgent matter, please advise your manager. Otherwise, minimal personal cell phone use while on duty may be allowed subject to supervisor approval. Employees are encouraged to make personal calls while on breaks. If your-an employee's use of your-cell phone is deemed to be excessive, you-he/she/they will be required to keep it stowed away during your-work time. Please-keep-your-eCell phones should be kept~~ on vibrate at all times while at work.

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/he/she/they 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/his/her/their job, it may be necessary for his/her/his/her/their Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her/his/her/their 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/his/her/their 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 or repeated 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, gender identity, marital status, familial 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 [Payroll / Benefits Specialist](#) ~~Human Resources Specialist~~ and City Administrator the written report of the violations and the action taken with the employee. Such report shall be 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 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 feels that it is warranted by the severity of the situation. The supervisor may at [his/her/his/her/their](#) 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/his/her/their 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, gender identity, marital status, familial 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/his/her/their 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/his/her/their 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/his/her/their written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she/he/she/they has informed the Department Director of his/her/his/her/their 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/his/her/their employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her/his/her/their immediate supervisor or Department Director, and works the entire notice period without using paid time off. 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/he/she/they 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, gender identity, marital status, familial 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, gender identity, marital status, familial 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/he/she/they 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/he/she/they 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/he/she/they 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/his/her/their 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 Body-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, re-training or mandatory Employee Assistance Program participation. 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/he/she/they 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.

J-8. Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under this policy might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City of Mission may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee,

inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City.

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/they 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/his/her/their 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/his/her/their](#) 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 stereotypical with regard to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial 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/his/her/their 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/his/her/their 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/his/her/their 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. Threats made to a City employee outside of the work environment will be evaluated on a case by case basis. 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, and 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. Employees may be tested under any circumstance in which the City believes that alcohol or drug use may have contributed to the accident.

(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 Payroll / Benefits 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 ~~Payroll / Benefits Specialist~~ ~~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/his/her/their~~ 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;
- 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.

- (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 an including termination.



Personnel Policy and Guidelines City of Mission, KS

February 1, 2020

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.

Table of Contents

Ordinance Adopting Personnel Policy & Guidelines	i
Table of Contents	ii

Article A. General Information

A-1. Policies Established	1
A-2. Administration and Application of Policies	1
A-3. Departmental Guidelines	1
A-4. Personnel Records	2
A-5. Amendment of Policies	2
A-6. Governing Body-Employee Relationships	2
A-7. Equal Employment Opportunity and Affirmative Action	2
A-8. Genetic Information.....	2

Article B. Position Classifications

B-1. Objectives and Purpose	3
B-2. Job Descriptions.	3
B-3. Pay Range Plan	4
B-4. Maintenance of the Classification Plan	4

Article C. Recruitment and Promotion

C-1. Definitions	4
C-2. Recruitment.	4
C-3. Qualifications of Employment.....	6
C-4. Training Period.....	7
C-5. Promotion	7
C-6. Nepotism	8
C-7. Commercial Driver’s License	8

Article D. Compensation

D-1. Compensation Plan	8
D-2. Pay Increases	9
D-3. Performance Evaluations.....	9
D-4. Pay on Termination	9
D-5. Time Keeping for Non-Exempt “Hourly” Employees.....	9
D-6. Overtime Compensation.....	10
D-7. Compensatory Time	11
D-8. Flexible Scheduling.....	12
D-9. Holiday Compensation	12
D-10. Pay Periods; Paydays.....	13

Article E. Attendance and Leave

E-1. Hours of Work	13
E-2. Holidays	13
E-3. Vacation Leave.....	14
E-4. Personal Days	16
E-5. Sick Leave	16
E-6. Sick/Vacation Leave Transfer	17
E-7. Funeral Leave	17
E-8. Injury Leave	18
E-9. Military Leave	18
E-10. Civil Leave	18
E-11. Family and Medical Leave	19
E-12. Non-FMLA Medical Leave	21
E-13. Non-FMLA Maternity Leave.....	22
E-14. Time off for Victims of Domestic Violence and/or Sexual Assault	22
E-15. Other Leave/Absences.....	23
E-16. Request for Leave/Leave Accounting	23
E-17. Credits for Paid Leave	23
E-18. Work From Home	23

Article F. Other Employee Benefits

F-1. Retirement-OASDI Benefits	24
F-2. Retirement-KPERS and KP&F Benefits	24
F-3. Workers' Compansation Benefits.....	24
F-4. Unemployment Compensation	24
F-5. Life Insurance	24
F-6. Deferred Compensation	24
F-7. Supplemental Retirement	24
F-8. Health Care Program	25
F-9. Other Insurance	25
F-10. City Recreation Facilities	25
F-11. Educational Reimbursement	26
F-12. Retirement Health Insurance Benefits.....	26
F-13. Disability Health Insurance Benefits	27
F-14. Retirement/Disability Health Insurance Annual Renewal.....	28
F-15. Personal Information and Data	28
F-16. Travel and Training	30
F-17. Per Diem and Mileage.....	31
F-18. Reimbursement for Non-attendance at City Functions.....	31
F-19. City Provided Vehicles	31
F-20. Cell Phones	32
F-21. Purchasing Cards	32

Article G. Discipline

G-1. General Policy	32
G-2. Issue Resolution	32
G-3. Improper Conduct	33
G-4. Disciplinary Procedure	34
G-5. Causes for Termination	35

Article H. Grievances

H-1. General Policy	37
H-2. Grievance Procedure.....	37
H-3. Grievance Toward City Administrator	37

Article I. Voluntary Separation

I-1. Resignation	37
I-2. Reinstatement	37

Article J. Harassment

J-1. General Policy	38
J-2. Definition	38
J-3. Policy	38
J-4. Complaint Procedure	39
J-5. Review of a Complaint Under this Policy.....	40
J-6. City Administrator	42
J-7. Records of a Complaint and Investigation.....	42
J-8. Other Inappropriate Behavior	42

Article K. Political Activity

K-1. General Policy	42
K-2. Activities	42

Article L. Outside Employment

L-1. General Policy	43
---------------------------	----

Article M. Worker Safety

M-1. General Safety	43
M-2. Substance Abuse	43
M-3. Drug and Alcohol Policy	44
M-4. Worker's Compensation	44
M-5. Returning Injured Employees to Work	45

Article N. Other Policies

N-1. Reasonable Accommodation for Disability and/or Religion	45
N-2. Technology Policy	46
N-3. Personal Appearance	48
N-4. Workplace Violence	48
N-5. Substance Abuse	49
N-6. Development of Additional Policies	55
N-7. Confidentiality	56

N-8. Prevention of Occupational Exposure to Bloodborne Pathogens	56
N-9. Driving on Behalf of City	58
N-10. Use of Social Media	59
N-11. Break Time for Nursing Women	60
N-12. Smoking Policy	60
N-13. Weapons Free Workplace and Possession of Personal Firearms..	61

**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, gender identity, marital status, familial 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/they 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 Payroll / Benefits 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, gender identity, marital status, familial 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 he/she/they 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 Payroll / Benefits 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 April 2019 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/their 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: Assistant City Administrator/Finance Director, 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 a time period of up to 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/their 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 Payroll and Benefits

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/their 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/their final paycheck on the first regularly scheduled payday following his/her/their 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 regulation is set forth: 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 10-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/their home or any particular place, but is required to leave work where he/she/they 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. Flexible scheduling should be done within a single work week and should not result in an overtime situation.

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/their 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/their 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/their 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/their 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 planned absence chargeable to sick leave shall be charged in half hour increments. Unplanned absence chargeable to sick leave for non-exempt hourly employees shall be charged in 15 minute increments if entered manually by a supervisor, or will follow the same rounding procedures as used for regular time, if entered using the electronic timekeeping system to make up the balance of the scheduled shift. Absence chargeable to sick leave for exempt employees will be charged in half hour increments.

- (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/their 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 FML 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 Payroll / Benefits Specialist may be contacted. After discussing the issue with the Department Director and the City Administrator, the Payroll / Benefits 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/their 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/they 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/their 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 he/she/they 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/their 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/their 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/their 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 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.

E-18. Work From Home. Occasional work from home may be granted for urgent personal matters. However, it must always be done with prior approval from your manager. If you are working from home, your work area must be free from distractions and you must be available. As all employees are needed at work to serve our citizens, the City reserves the right to deny "working from home" for any business reason.

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/their 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/their 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.

F-12. Retirement Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for a tenure-based percentage of the monthly premium for the following retired employees under the following circumstances and to the following extent:

- (a) The percentage of the premium paid by the City will be based on the employee's tenure with the City upon retirement as follows:
- | | |
|--------------------------|----------------------------|
| • 10-14 Years of Service | 25% subsidy of lowest plan |
| • 15-19 Years of Service | 30% subsidy of lowest plan |
| • 20-24 Years of Service | 40% subsidy of lowest plan |
| • 25+ Years of Service | 50% subsidy of lowest plan |
- (b) The City will pay the appropriate tenure-based percentage (as defined above) of medical benefit costs, not to include dental or vision, less any amount the Social Security disabled employee receives from a future employer's short-term disability plan until the disabled employee receives Social Security Medicare benefits.
- (c) Employees who are under the age of 65 years when they retire and shall have retired within the retirement eligibility guidelines of the Kansas Public Employees Retirement System (KPERS and KP&F) may participate in this coverage.
- (d) Employees who wish to participate in this coverage must elect to do so 30 days or more before their retirement date.
- (e) This tenure-based percentage premium plan is available only to retired employees and their spouses. Status of employee versus employee plus spouse is determined upon date of retirement. A spouse may not be added, nor a different spouse substituted after that date. The City's percent participation is limited to lowest applicable employee or employee and spouse premium rates.

- (f) Employee and child or family insurance coverage may be purchased by retired employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's percentage is limited to employee (applied to employee and child) or employee and spouse basic (applied to family) premium amount.
- (g) This coverage will cease when a retired employee reaches age 65 or becomes eligible for Medicare.
- (h) In the event of the retired employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her/their 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 the appropriate tenure-based percentage of the monthly coverage.
- (i) If a retired employee or spouse fails to make his/her/their 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/their 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/their 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 Payroll / Benefits 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.
- (6) Employees are required to adhere to the same behavioral and professional standards when traveling as they do when at work at the City.

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/their 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. Please do not take recreational pictures of co-workers without their permission.

Personal Use of Cell Phones. Minimal personal cell phone use while on duty may be allowed subject to supervisor approval. Employees are encouraged to make personal calls while on breaks. If an employee's use of cell phone is deemed to be excessive, he/she/they will be required to keep it stowed away during work time. Cell phones should be kept on vibrate at all times while at work.

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/they 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/their job, it may be necessary for his/her/their Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her/their 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/their 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 or repeated 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, gender identity, marital status, familial 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 Payroll / Benefits 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 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 feels that it is warranted by the severity of the situation. The supervisor may at his/her/their 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/their 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, gender identity, marital status, familial 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/their 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/their 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/their written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she/they has informed the Department Director of his/her/their 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/their employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her/their immediate supervisor or Department Director, and works the entire notice period without using paid time off. 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/they 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, gender identity, marital status, familial 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, gender identity, marital status, familial 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/they 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/they 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, he/she/they 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/their 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 Body.
- (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, re-training or mandatory Employee Assistance Program participation. 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/they 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.

J-8. Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under this policy might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City of Mission may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City.

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/they 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/their 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/their 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, gender identity, marital status, familial 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/their 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/their 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/their 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. Threats made to a City employee outside of the work environment will be evaluated on a case by case basis. 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, and aquatic manager.
 - (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. Employees may be tested under any circumstance in which the City believes that alcohol or drug use may have contributed to the accident.
- (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 Payroll / Benefits 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 Payroll / Benefits 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/their 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;
- 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.
- (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 an including termination.

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	January 8, 2020
COMMUNITY DEVELOPMENT	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: ETC DirectionFinder Survey Services

RECOMMENDATION: Authorize a contract with ETC Institute for design and administration of a community survey in an amount not to exceed \$16,500.

DETAILS: ETC Institute, Inc. has worked with hundreds of municipalities to assess citizen satisfaction through various survey instruments, including the the DirectionFinder survey. In addition to conducting the DirectionFinder Survey for Mission in 2007, 2011 and 2015, ETC Institute has also worked with cities such as Merriam, Olathe, Overland Park, Kansas City, MO, Shawnee and Kansas City, KS. The DirectionFinder survey is used to assess citizen satisfaction with municipal services, as well as to benchmark our services regionally and nationally.

The City has historically updated the Direction Finder survey every four years, and funds were included in the 2019 Budget for this purpose. The survey was also to be used in connection with the update to the City's Comprehensive Land Use Plan. Since this update has pushed into 2020, the DirectionFinder survey was also delayed to keep the projects aligned appropriately.

ETC Institute will distribute approximately 1200-1300 surveys with a guaranteed response of 400 surveys. Survey questions will be developed in consultation with the City Council, staff and the Steering Committee assembled for the Comprehensive Plan update.

Funds in the amount of \$16,000 were included in the 2019 budget, and rolled over into the General Fund fund balance at December 31, 2019. They are recommended to be reallocated from the fund balance in 2020.

CFAA CONSIDERATIONS/IMPACTS: A community survey such as DirectionFinder aligns with the goals and objectives of Policy 5-A which states: "The city has a policy in place to encourage civic participation by all age groups in the community." In addition, it meets Action step 5-F which says: "The city and its partners develop an outreach plan to ensure residents of all ages are included in community and civic conversations." Regular, comprehensive outreach and communication with residents helps to ensure decisions representing the interests of all are included in policy and resource allocation decisions.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	01-00-001-00 General Fund Operating Reserve
Available Budget:	\$16,500



December 27, 2019

Laura Smith
City Administrator
City of Mission, Kansas
P: (913) 676-8352
mwasek@Mission.org

Subject: Proposal to Conduct a Community Survey for the City of Mission

Dear Ms. Smith:

ETC Institute is pleased to submit a quote to conduct a Community Survey for the City of Mission, Kansas. If selected for this project, ETC Institute will provide the following services:

Task 1: Design the Survey and Prepare the Sampling Plan. Task 1 will include the following services:

- Working with City staff to develop the content of the survey. ETC Institute will meet with the City to discuss the goals and objectives for the project. To facilitate the survey design process, ETC Institute will also provide the City with sample surveys created for similar projects, including previous surveys conducted for the City. It is anticipated that 3-4 drafts of the survey will be prepared before the survey is approved by the City. The survey will be up to 6 pages in length.
- Participating in meetings by phone to develop the survey.
- Conducting a pilot test of the survey to ensure the questions are understood by residents. Based on the results of the pilot test, ETC Institute will recommend changes (if needed) to the survey.
- Selecting a random sample of residents to be contacted for the survey. The sample will be address-based

Deliverable Task 1. ETC Institute will provide a copy of approved survey instrument.

Task 2: Administer the Survey. Task 2 will include the following services:

- ETC Institute will administer the survey by a combination of mail, Internet and phone.
- ETC Institute will mail the survey and a cover letter (on City letterhead) to a random sample of households in the City. Only one survey per household will be sent. Postage-paid envelopes will be provided by ETC Institute for each respondent. The City will provide a cover letter for the mailed survey. The cover letter will contain a link to an online version of the survey. Residents who receive the survey will have the option of returning the printed survey by mail or completing it on-line.
- Approximately 7-10 days after the surveys are mailed, ETC Institute will follow-up via e-mail and/or phone with households that received a mailed survey. ETC Institute will continue following up with households until reaching at least 400 completed surveys. A sample of 400 completed surveys. A sample size of 400 completed surveys will provide results that have a margin of error of +/-4.8% at the 95% level of confidence at the City level.
- ETC Institute will monitor the distribution of the sample to ensure that the sample reasonably reflects the demographic composition of the City with regard to age, geographic dispersion, gender, race/ethnicity and other factors.

Deliverable Task 2. ETC Institute will provide a copy of the overall results for each question on the survey.

Task 3: Analysis and Final Report. ETC Institute will submit a final report to the City. At a minimum, this report will include the following items:

- Formal report that includes an executive summary of the survey methodology and a description of major findings.
- Charts and graphs that show the overall results of each question on the survey, including comparisons to previous surveys.
- Benchmarking analysis showing how the City compares to other communities regionally and nationally.
- Importance-Satisfaction Analysis that will identify the areas where the greatest opportunities exist to enhance overall satisfaction with City services.
- GIS maps that show geocoded survey results for selected questions on the survey
- Tabular data that shows the results for each question on the survey, including open ended questions.
- A copy of the survey instrument

Deliverable Task 3: ETC Institute will submit the survey findings report in an electronic format. ETC Institute will also provide the raw data in an Excel database, or other format as requested by the City.

Project Schedule

Listed below is ETC Institute's typical timeline for administering a community survey. Since the surveys will be administered entirely in-house, the completion date for the project is completely within our control. If desired, we can meet a more ambitious timeline and are available to start at a date most convenient for the City.

- **Month 1**
Design survey instrument
Finalize sampling plan
- **Month 2**
Administer the survey
- **Month 3**
Draft Report Submitted for review
Prepare and Deliver the Final Report

Fee

The table below shows a breakdown of the fees for the services described in this proposal. The total cost for a sample size of 400 surveys would be \$16,500.

Task	400 Surveys
Design Survey & Prepare Sampling Plan	\$2,500.00
Administration of a 15-20 minute survey (up to 6 pages)	\$10,500.00
Formal Report (<i>includes executive summary, charts, benchmarking, Importance-Satisfaction Analysis</i>)	\$2,000.00
GIS Maps	\$1,000.00
On-Site Presentation of Survey Results	\$500.00
TOTAL	\$16,500.00

CLOSING: We appreciate your consideration of this proposal and look forward to your decision. If you have any questions, please do not hesitate to call me at (913) 254-4514.

Sincerely,



Jason Morado
Director of Community Research
ETC Institute
725 W. Frontier Circle
Olathe, KS 66061
(913) 254-4514
jason.morado@etcinstitute.com

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	January 8, 2020
ADMINISTRATION	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: Ordinance repealing Chapter 270 regarding the Capital Improvement Program Committee and amending Chapter 130, Standing Council Committees Designated.

RECOMMENDATION: Approve the ordinance required to disband the Capital Improvement Program (CIP) Committee.

DETAILS: For several months, both Council and staff have been discussing the efficiency and effectiveness of our various citizen advisory boards and commissions. Most recently, discussion at the November and December Community Development Committee meetings focused on the Capital Improvement Program (CIP) Committee.

At the Community Development Committee meeting in December, the committee discussed disbanding the Capital Improvement Program (CIP) Committee. The ordinance under consideration now would repeal the code sections related to the CIP Committee, thereby disbanding the committee.

The CIP Committee was formed by ordinance in March 2017 to serve in an advisory role to the Governing Body. Staff recommended creating the committee to bring additional public feedback into the process of creating the 5-year Capital Improvement Program. In practice, the Committee has struggled over the last two years to maintain adequate representation and to feel appropriately connected to the development and discussion of the CIP. The current CIP members have done an outstanding job in educating themselves about the city's current infrastructure needs and challenges, but staff remains concerned that we are not making the best use of the valuable time provided by these citizen volunteers.

The CIP committee's membership is allocated as follows:

- 2 members from the Planning Commission
- 2 members from the Parks & Recreation Commission
- 1 member from the Sustainability Commission
- 1 member appointed from each Ward (4 total)
- 1 member appointed from the business community (could be non-resident)

Currently, two of the membership slots are vacant. For most of 2019, four slots have been vacant. Staff has reached out to the existing members of the committee. Those not currently seated on other boards or commissions were given the opportunity to be considered for appointment to other boards or commissions as positions arise.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Mission Municipal Code Chapters: 130 and 270
Line Item Code/Description:	N/A
Available Budget:	N/A

ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER 270 OF THE CODE OF THE CITY OF MISSION, KANSAS, REGARDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) COMMITTEE, IN ITS ENTIRETY AND AMENDING CHAPTER 130, STANDING COUNCIL COMMITTEES DESIGNATED.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

Section 1. Chapter 270 is hereby repealed in its entirety.

Section 2. Chapter 130, Section 130.020 . Standing Council Committees Designated is amended as follows:

A. The Council shall have two (2) standing committees. The work assigned to and the jurisdiction of these committees shall correspond to the department, commissions and boards as noted herein. However, when a matter does not clearly fall within the jurisdiction of a particular committee, the City Administrator shall assign the matter as he/she determines to be the most appropriate.

1. Community Development Committee
 - a. Planning and Community Development Department
 - b. Parks and Recreation Department
 - c. Public Works Department
 - d. Planning Commission
 - e. Board of Zoning Appeals
 - f. Board of Code Review
 - g. Parks, Recreation, and Tree Commission
 - h. Other related ad hoc committees

2. Finance and Administration Committee
 - a. Administration Department
 - b. Police Department
 - c. Municipal Court
 - d. Legal Department
 - e. Other related ad hoc committees
 - f. Budget review
 - g. Council policies
 - h. Legislative review

Section 3. This Ordinance shall take effect and be in force from and after publication as required by law.

PASSED AND APPROVED by the City Council this 15th day of January 2020.

APPROVED by the Mayor this 15th day of January 2020.

(SEAL)

Ronald E. Appletoft, Mayor

ATTEST:

Martha M. Sumrall, City Clerk

APPROVED AS TO FORM:
PAYNE & JONES, CHTD.

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