



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
JUNE 4, 2018
7:00 PM**

- 1. Call to Order & Pledge of Allegiance**
- 2. Roll Call**
 - A. Roll Call**
- 3. Ceremonial Matters**
- 4. Public Participation**
- 5. Approval of Minutes**
 - A. Board of Aldermen - Regular Meeting - May 21, 2018 7:00 PM**
- 6. Agenda Items**
 - A. Re-Appointments to Park Board: Cathy Faris, Phil Rogers, David Atkinson**
 - B. Report: Surplus Vehicle Sales**
 - C. Repair of 310J Backhoe**
 - D. Second Reading, Council Bill 37: An Ordinance Ratifying Ordinance Number 3434 that amended Section 205 Article V Fireworks, of the Harrisonville Code of Ordinances, Reaffirming the Amended Language, and Establishing an Effective Date.**
 - E. Council Bill 38: A Resolution Authorizing the City Administrator to Execute a Memorandum of Understanding with MidAmerica Nazarene University to Provide Discount Tuition for Approved Courses and Programs for Employees and Their Immediate Family**
 - F. Council Bill 39: A Resolution of the Board of Aldermen of the City of Harrisonville, Missouri Approving the Fireworks Display in the City Park on July 4th, 2018**
 - G. Council Bill 40: A Resolution Pursuant to Chapter 103, Administration, Section 103.010 Personnel Rules and Regulations; Establishing and Approving a New Personnel Policy for the City of Harrisonville, Missouri and Establishing an Effective Date**

- 7. Aldermen and Committee Reports**
- 8. Report from the City Administrator**
 - A. City Administrator's Report**
- 9. Report from the Mayor**
- 10. Adjourn from Regular Session**

Posted on City Hall Bulletin Board this 31st day of May 2018

Randall K. Jones, City Clerk

The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ALDERMEN
REGULAR MEETING
CITY HALL
MAY 21, 2018
7:00 PM

1. **Call to Order & Pledge of Allegiance**
2. **Roll Call**

Attendee Name	Organization	Title	Status	Arrived
Judy Bowman	Harrisonville	Board Member	Present	
Clint Long	Harrisonville	Board Member	Present	
Jessica Levsen	Harrisonville	Board Member	Present	
David Dickerson	Harrisonville	Board Member	Present	
Matt Turner	Harrisonville	Board Member	Present	
Marcia Milner	Harrisonville	Board Member	Present	
Judy Reece	Harrisonville	Board Member	Present	
Brad Bockelman	Harrisonville	Board Member	Present	
Brian Hasek	Harrisonville	Mayor	Present	

Others present were: City Administrator Happy Welch, City Attorney John Fairfield, Police Chief John Hofer, HES Director Eric Myler, Parks & Recreation Director Chris Deal, Finance Director Marcella McCoy, Public Information Officer Sheryl Stanley and City Clerk Randall Jones, Recording.

3. **Ceremonial Matters**
 - A. **A Service Award Honoring Gabe Dalton for 20 Years of Loyal Service to the City of Harrisonville**

Mayor Brian Hasek and Parks & Recreation Director Chris Deal presented Gabe Dalton his twenty year service award

4. **Public Participation**

Chris Mitsdarffer, 15604 Lawrence, Belton, Missouri, addressed the Mayor and Board regarding the boat ramp at the Harrisonville Lake. Mayor Hasek stated it would be on the Public Works

Committee agenda scheduled for June 5th at 6:00 p.m. A question was asked if photos of ramp would be presented at the public works meeting.

5. Approval of Minutes

A. Board of Aldermen - Regular Meeting - May 7, 2018 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Matt Turner, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

B. Minutes of May 7, 2018 Executive Session

Motion to accept executive session minutes of May 7, 2018 was made by Alderman Dickerson with a second by Alderman Turner. Motion carried with voice vote all ayes.

6. Agenda Items

A. Re-Appoint April McLaughlin and Claudia Kauzlarich to 3-Year Terms on the Historic Preservation Commission

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Dickerson, Board Member
SECONDER:	Judy Bowman, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

B. Special Event Permit: Life Issues 5k Recovery Walk

Staff report presented by Police Chief John Hofer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matt Turner, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

C. 2018 BDF Application

Staff report presented by Police Chief John Hofer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Judy Bowman, Board Member
SECONDER:	Marcia Milner, Board Member
AYES:	Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

D. Approval: Cass County Library requests electric hook up for Bookmobile while parked in city lot

Minutes Acceptance: Minutes of May 21, 2018 7:00 PM (Approval of Minutes)

Staff report presented by City Administrator Happy Welch.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Jessica Levsen, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

E. Approve Selection of 457 Retirement Plan Provider

Staff report presented by City Administrator Happy Welch. Motion was made by Alderman Dickerson with a second by Alderman Milner to adopt Nationwide as the City of Harrisonville's new 457 Plan Administrator. Motion carried with voice vote all ayes.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

F. Approve Use of WEX Gas Card

Staff report presented by City Administrator Happy Welch.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Judy Reece, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

G. An Ordinance to Amend Chapter 435, Sign Regulations, of the Code of Ordinances of the City of Harrisonville, Missouri by Amending Section 435.120: Temporary Signs Concerning Election Signs within the City of Harrisonville, Missouri

Alderman Milner stated she still had same concerns as before and pointed out school and hospital bond issues signage. Alderman Levsen asked about larger signs in commercial areas. Mayor Hasek stated that larger signs were intended for highway usage. City Attorney John Fairfield stated that billboard signs fall under other regulations. Alderman Reece stated that if it was her sign that had caused an accident, she would have moved it. Alderman Reece questioned about the accident report. Police Chief John Hofer was unable to locate said accident report. Alderman Bowman stated that this topic should be discussed during a work session. Second reading roll call vote: Alderman Bowman nay, Alderman Bockelman aye, Alderman Reece nay, Alderman Milner nay, Alderman Dickerson aye, Alderman Long aye, Alderman Turner aye, Alderman Levsen nay. Mayor Hasek broke tie vote with aye. Upon passage, Mayor Hasek designated it to be Ordinance #3439.

RESULT: ADOPTED [4 TO 4]
AYES: Clint Long, David Dickerson, Matt Turner, Brad Bockelman
NAYS: Judy Bowman, Jessica Levsen, Marcia Milner, Judy Reece

Minutes Acceptance: Minutes of May 21, 2018 7:00 PM (Approval of Minutes)

- H. A Resolution of the Board of Aldermen of the City of Harrisonville, Missouri to authorize the City Administrator to execute an agreement with Wald Fireworks to provide the 2018 fireworks show in an amount not to exceed \$12,000.00.**

Staff report presented by Parks & Recreation Director Chris Deal. Upon passage, Mayor Hasek designated it to be Resolution #19-18.

RESULT: ADOPTED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Clint Long, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

- I. A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF HARRISONVILLE AND CASS REGIONAL MEDICAL CENTER FOR PATIENT TRANSPORTATION SERVICES BY THE HARRISONVILLE EMERGENCY SERVICES DEPARTMENT.**

Staff report presented by City Administrator Happy Welch. City Attorney John Fairfield pointed out this agreement will reduce the risk of the City financially. Upon passage, Mayor Hasek designated it to be Resolution #20-18.

RESULT: ADOPTED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Jessica Levsen, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

- J. AN ORDINANCE TO REPEAL ORDINANCE NO. 3433 OF THE CODE OF ORDINANCES OF THE CITY OF HARRISONVILLE THAT AMENDED SECTION 700.480 SEWER SERVICE RATES AND REENACT IN LIEU THEREOF THE ORIGINAL SEWER RATES CODIFIED IN SECTION 700.480 B. 1. AND B.2. AND ESTABLISHING AN EFFECTIVE DATE.**

Staff report presented by City Administrator Happy Welch. Alderman Levsen questioned about water department subsidizing the sewer department and perhaps the need to re-allocate charges. Mayor Hasek stated that city would need to look at other water system improvements. Motion to suspend ruling and move bill to its second reading by Alderman Dickerson and second by Alderman Milner. Motion carried. Roll call vote was taken: Alderman Bowman aye, Alderman Bockelman aye, Alderman Reece aye, Alderman Milner aye, Alderman Dickerson aye, Alderman Long aye, Alderman Turner aye, Alderman Levsen aye. Upon passage, Mayor Hasek designated it to be Ordinance #3440.

RESULT: ADOPTED [UNANIMOUS]
MOVER: David Dickerson, Board Member
SECONDER: Marcia Milner, Board Member
AYES: Bowman, Long, Levsen, Dickerson, Turner, Milner, Reece, Bockelman

K. AN ORDINANCE RATIFYING ORDINANCE NUMBER 3434 THAT AMENDED SECTION 205 ARTICLE V FIREWORKS, OF THE HARRISONVILLE CODE OF ORDINANCES, REAFFIRMING THE AMENDED LANGUAGE, AND ESTABLISHING AN EFFECTIVE DATE.

Alderman Reece asked for clarification on the term "ratify" and City Attorney John Fairfield gave explanation. Alderman Bowman shared that a lot of individuals have come to her expressing objections to the changes to the ordinance. Motion was made to suspend the ruling and move bill to its second reading by Alderman Dickerson with second by Alderman Levsen. Roll call vote: Alderman Bowman nay, Alderman Bockelman aye, Alderman Reece nay, Alderman Milner nay, Alderman Dickerson aye, Alderman Long aye, Alderman Turner aye, Alderman Levsen aye. Total vote: 5 ayes and 3 nays. Bill will be moved to next meeting for second reading.

RESULT: SECOND READING [5 TO 3]

Next: 6/4/2018 7:00 PM

MOVER: David Dickerson, Board Member

SECONDER: Jessica Levsen, Board Member

AYES: Long, Levsen, Dickerson, Turner, Bockelman

NAYS: Judy Bowman, Marcia Milner, Judy Reece

7. Aldermen and Committee Reports

Alderman Bowman expressed her appreciation to Parks & Recreation Director Chris Deal for his work with the Rotary Trap Shoot and acknowledged his leadership with this event.

Alderman Reece stated that the town hall meeting that she along with Alderman Bowman host recently had drug enforcement officers give a very informative presentation. She also thanked Chief Hofer and Officer Uxo.

Alderman Milner reminded everyone of the Kiwanis Club Strawberry Day tomorrow.

8. Report from the City Administrator

City Administrator Welch announced that June 18th there will be a budget workshop meeting prior to the regular Board of Aldermen meeting.

A. City Admin Rpt 5-21-18

9. Report from the Mayor

Mayor Hasek reminded everyone of the Public Works meeting on June 5th to discuss the boat ramp at Harrisonville Lake. He announced that the Missouri Municipal League Westgate Division meeting will be held at the Beck Event Space this week. The Ministerial Alliance is expanding their store/warehouse area. Mayor Hasek received message that the Food Pantry is in need of donations and ideas for fundraising and support.

Minutes Acceptance: Minutes of May 21, 2018 7:00 PM (Approval of Minutes)

10. Adjourn From Regular Session

Motion to adjourn made by Alderman Dickerson with a second by Alderman Long. Motion carried. Meeting adjourned at 8:06 p.m.

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of May 21, 2018 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: Board of Aldermen
FROM: Sheryl Stanley, Deputy City Clerk
DATE: May 29, 2018
SUBJECT: Park Board Re-Appointments

Type of Item: *Appointment*

Mayor Hasek has said that he intends to re-appoint Cathy Faris, Phil Rogers, and David Atkinson to three-year terms on the Park Board.

A. Action Item (ID # 2898)

Re-Appointments to Park Board: Cathy Faris, Phil Rogers, David Atkinson



STAFF REPORT

TO: Board of Aldermen
FROM: Happy Welch, City Administrator
DATE: May 25, 2018
SUBJECT: Vehicle Sales

Type of Item: *Report*

We have a number of vehicles to sell as surplus property, which can be done through our purchasing policy, but we have one large vehicle, the GMC C7500 Rescue Truck, that should sell for over \$15,000. It is a multi-panel truck that's mostly good for storage. It is not a pumper/rescue and has less than 20,000 miles on it because of a lack of use.

There will be additional vehicles as we get deliveries from dealers for our other purchases.

We will be putting them on eBay.

B. Action Item (ID # 2892)

Report: Surplus Vehicle Sales

Attachments:

2018 Vehicles for sale(PDF)

Make	Model
Ford	Crown Victoria
Ford	Crown Victoria
Ford	Crown Victoria
GMC	C7500 Rescue Truck
Ford	Crown Victoria

Engine Size	Year	VIN-Last 4	Additional
4.6 liter V8 Police Interceptor	2009	0161	Air Bags(Driver/Passenger)
4.6 liter V8 Police Interceptor	2008		3131 Air Bags(Driver/Passenger)
4.6 liter V8 Police Interceptor	2006		6687 Air Bags(Driver/Passenger)
7.2 liter In-Line 6 cyclinder	2000		3716
4.6 liter V8 Police Interceptor		0158	Air Bags(Driver/Passenger)

Horsepower

224

224

224

224 Does not start



STAFF REPORT

TO: Board of Aldermen
FROM: April Clark, Assistant
DATE: May 24, 2018
SUBJECT: Repair of 310J Backhoe

Type of Item: *Approval*

The 310J Backhoe (Water Distribution) has been diagnosed and needs the transmission replaced. It was towed to Murphy Tractor and diagnosed there. We have already paid for the \$300.00 tow, and the \$2500.00 diagnostic fee. We would like to have Murphy Tractor go ahead with the transmission replacement as soon as possible, and not have to pay for an additional tow and diagnosis. The cost of the transmission replacement is estimated at \$15,804.81.

C. Action Item (ID # 2890)

Repair of 310J Backhoe



STAFF REPORT

TO: Board of Aldermen
FROM: Happy Welch, City Administrator
DATE: May 16, 2018
SUBJECT: Fireworks Ord Ratification

Type of Item: *Approval*

The Board passed Ordinance 3434 in April to make changes to the hours fireworks are allowed and to allow the sales of bottle rockets. An amendment to the ordinance was agreed to that added language to signs required to be posted noting bottle rockets are not allowed to be discharged in Harrisonville.

After the meeting it was pointed out by a former alderman that the process to adopt the amendment and the ordinance missed a step and was not done properly.

In order to clarify the issue we have drafted a ratification ordinance for Ordinance 3434 to approve the ordinance with the added language.

Council Bill No. 37

Ordinance No.

An Ordinance Ratifying Ordinance Number 3434 that amended Section 205 Article V Fireworks, of the Harrisonville Code of Ordinances, Reaffirming the the Amended Language, and Establishing an Effective Date.

WHEREAS, the City of Harrisonville ("City") restricts the sale and use of fireworks in the city limits;

WHEREAS, a majority of the Board of Aldermen ("Board") voted to amend certain sections of the Section 205 relating to fireworks pursuant to an ordinance ("Fireworks Ordinance") which was presented to the Board at the regular April 2, 218 Board meeting ("Meeting");

WHEREAS, the Fireworks Ordinance amended the hours that fireworks may be discharged prior to and including the Fourth of July Holiday;

WHEREAS, the Fireworks Ordinance retained the prohibition in the Code that it shall be unlawful to discharge bottle rockets in the City limits;

WHEREAS, during the Meeting an amendment to the Fireworks Ordinance was offered during the discussion to read that "Any such sign must also state that discharge of bottle rockets is prohibited by Harrisonville City Ordinance within the city limits. Such sign must be displayed at checkout and at the point of bottle rocket display";

WHEREAS, after the offering of the amendment to the Fireworks Ordinance a majority of the Board voted in favor of the Fireworks Ordinance;

WHEREAS, subsequently to the Meeting, the Board understands there may have been a misunderstanding or a claimed procedural issue for the amendment when adopting the Fireworks Ordinance;

WHEREAS, in order to address any misunderstanding or claimed procedural defect, the Board of Aldermen wishes to hereby ratify the said Fireworks Ordinance (numbered as Ordinance 3434) that amended language for sections of the Harrisonville Code of Ordinances as they pertain to Sections 205.210, 205.220, 205.240, of the City of Harrisonville, Missouri, and believe this ratification to be in the best interests of the citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: The Board of Alderman ("Board") hereby ratifies Ordinance 3434, that is attached hereto, designated as Exhibit A and incorporated herein by reference, that amended certain sections of Section 205 Article V Fireworks as stated in said Ordinance 3434.

Section 2: That this ordinance shall become effective immediately upon passage and approval for the City of Harrisonville.

Section 3: Severability: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

VOTE TAKEN AS FOLLOWS:**AYES:****NAYS:****ABSENT:****ABSTAIN:**

READ ONE TIME BY TITLE ONLY ON MAY 21, 2018 AND READ FOR THE SECOND TIME BY TITLE ONLY ON JUNE 4, 2018. PASSED BY THE BOARD OF ALDERMEN THIS 4TH DAY OF JUNE 2018.

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

APPROVED by the Mayor this 4th day of June 2018

Council Bill No. 26**Ordinance No. 3434 (9-18)****An Ordinance Repealing Certain Sections of Section 205 Article V Fireworks, of the Harrisonville Code of Ordinances, Enacting in Lieu Thereof Revisions to Sections 205.210, 205.220, and 205.240, and Establishing an Effective Date, as Amended.**

WHEREAS, the City of Harrisonville ("City") restricts the sale and use of fireworks in the city limits;

WHEREAS, the Public Safety Committee recommends amendments to certain sections of the Code relating to fireworks;

WHEREAS, the Public Safety Committee recommends the City amend the hours that fireworks may be discharged prior to and including the Fourth of July Holiday;

WHEREAS, the Public Safety Committee recommends amending the sale of bottle rockets and allow them to be sold in the City limits but retain the prohibition in the Code that it shall be unlawful to discharge bottle rockets in the City limits;

WHEREAS, the Public Safety Committee discussed the changes and recommends approving the revisions to Sections 205.210, 205.220, and 205.240 of the Code of Ordinances;

WHEREAS, the Board of Aldermen accepts the recommendation of the Public Safety Committee to amend certain sections of the Harrisonville Code of Ordinances as they pertain to Sections 205.210, 205.220, 205.240, of the City of Harrisonville, Missouri, and believe it to be in the best interests of the citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: The Board of Alderman ("Board") hereby repeals certain sections of Section 205 Article V Fireworks, and enacts in lieu thereof new Sections 205.210, 205.220, and 205.240 to read as follows:

Section 205.210 Sign Required at Sale Locations.

All persons engaged in the retail sale of fireworks shall prominently display signs furnished by the City advising the general public that it is illegal to fire fireworks within the corporate limits of the City except between the hours of 7:00 A.M. and 10:00 P.M. on July 1st & 2nd and between the hours of 7:00 A.M. and 12:00 A.M. on July 3rd & 4th. Any such sign must also state that discharge of bottle rockets is prohibited by Harrisonville City Ordinance within the city limits. Such sign must be displayed at checkout and at the point of bottle rocket display.

Section 205.220 Discharge Restricted to Certain Periods.

No person shall discharge any fireworks within the corporate limits of the City without a permit except during the period of July 1 to July 4. Fireworks shall be allowed to be discharged during this period as follows:

July 1, 7:00 a.m. to 10:00 p.m.

July 2, 7:00 a.m. to 10:00 p.m.

July 3, 7:00 a.m. to 12:00 a.m. (midnight)

July 4, 7:00 a.m. to 12:00 a.m. (midnight)

Section 205.240 Bottle Rockets Prohibited.

No person or persons shall discharge bottle rockets as defined herein within the corporate limits of the City of Harrisonville. "Bottle rocket" is defined as an aerial fireworks device that has a wood, bamboo, or plastic stick attached and has an overall length of less than eighteen (18) inches.

Section 2: That this ordinance shall become effective immediately upon passage and approval for the City of Harrisonville.

Section 3: Severability: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

VOTE TAKEN AS FOLLOWS:

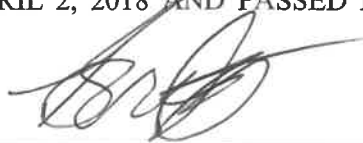
AYES: Alderman Bockelman, Dikcerson, Long, Turner and Levsen

NAYS: Alderman Bowman, Reece and Milner

ABSENT:

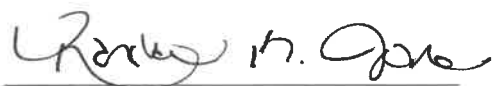
ABSTAIN:

READ TWO TIMES BY TITLE ONLY ON APRIL 2, 2018 AND PASSED BY THE BOARD OF ALDERMEN THIS 2ND DAY OF APRIL 2018.



Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Randall K. Jones, City Clerk

APPROVED by the Mayor this 2ND day of April 2018



STAFF REPORT

TO: Board of Aldermen
FROM: Happy Welch, City Administrator
DATE: May 29, 2018
SUBJECT: MidAmercia MOU

Type of Item: *Approval***Background:**

We received a proposed Memorandum of Understanding from Mid-America Nazarene University that offers a reduced tuition rate for students in approved programs. We have not had any agreements like this that I can find.

Issue:

This appears to be a benefit we could offer employees if they meet the requirements set forth by the MOU, but I wouldn't want us to exclusively promote one school over another. We are supplying table and meeting space for the school to promote their educational opportunities.

Recommendation:

It is always good to promote educational opportunities for employees and their families and be able to offer a discount. I have not received a similar offer from any other university or college. The trade off is making space available for the University to be able to meet with employees and we would have to promote the opportunity.

Cost:

There is no cost to this agreement.

Council Bill No. 38

Resolution No.

A Resolution Authorizing the City Administrator to Execute a Memorandum of Understanding with MidAmerica Nazarene University to Provide Discount Tuition for Approved Courses and Programs for Employees and Their Immediate Family

Whereas, the City of Harrisonville ("City") seeks to offer educational benefits to its employees;

Whereas, the City was approached by MidAmerica Nazarene University ("MNU") to enter into an agreement to offer a discount on tuition for employees and their immediate family for approved programs;

Whereas, the City by agreement will allow MNU to market the University by providing meeting space for recruiters and include announcements of such meetings in the employee newsletter;

Whereas, MNU will also waive the application fee for enrollment;

Whereas, the Finance/Personnel Committee reviewed the Memorandum of Understanding ("MOU") at its May 15 meeting and recommended approval of the agreement;

Whereas, the Board of Aldermen after careful and due deliberation find that the MOU is in the best interest of the City of Harrisonville, and that the City Administrator should be authorized to execute such Agreement on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville, Missouri is hereby authorized and directed on behalf of the Board of Aldermen to execute the proposed Memorandum of Understanding with MidAmerica Nazarene Church to provide discount benefits for employees and their immediate family.

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF HARRISONVILLE, MISSOURI ON THIS 4TH DAY OF JUNE 2018.

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 4TH day of June 2018



MIDAMERICA NAZARENE UNIVERSITY
SCHOOL OF PROFESSIONAL & GRADUATE STUDIES

**MEMORANDUM OF UNDERSTANDING
Family Education Discount Program**

MidAmerica Nazarene University (MNU) and The City of Harrisonville, MO enter into this understanding for the purpose of providing **The City of Harrisonville, MO** employees and their immediate family members a ten (10) percent discount on tuition for approved courses or programs within MNU's School of Professional and Graduate Studies.* The agreement shall be for the period June 5, 2018 through December 2019. Thereafter, this agreement shall automatically renew for successive terms of one (1) year each. Either party may cancel this arrangement at any time by providing reasonable notice to the other party; however the effective end date shall be at the end of the then current academic semester or term.

This agreement describes a Family Education Discount agreement between **The City of Harrisonville, MO** and MNU. The following elements form the basis for this agreement.

What MNU will provide:

1. **Tuition Discount** - MNU shall provide a ten (10) percent discounted tuition rate for **The City of Harrisonville, MO** employees and their immediate family members enrolled in approved courses housed within the MNU School of Professional and Graduate Studies. (There is no discount on required fees or textbook costs.) ***Students must submit an Employer Verification Form to the School of Professional and Graduate Studies (SPGS) signed by their supervisor or HR office prior to the start of the first academic term for which the discount is to be applied. If the discount is received by SPGS after the start of an academic term, the discount will be applied at the start of the next full academic term. The discount will not be retroactive to cover prior courses taken at MNU.***
2. **Marketing** - MNU will begin marketing and recruitment efforts as soon as all arrangements are finalized
3. **Training and Development** - MNU will host one (1) professional development training session for **The City of Harrisonville, MO** employees per year if requested. Subject matter will be agreed upon by both parties in advance, while marketing, content, instruction, and delivery will be decided collaboratively. Training will be 1-2 hours in length. If additional time and/or sessions are requested, a discounted partner rate of \$200 per hour will be charged.
4. **Transcript Evaluations** - MNU will provide transcript evaluations (official or unofficial) to employees and their family members within 48 hours of submission at no cost. This will be offered with or without an application on file.
5. **Onsite Student Celebration** - Per request, MNU will host an awards and recognition celebration honoring current students and graduates of all MNU programs onsite at **The City of Harrisonville, MO** or affiliate location once per year.
6. **Application Fee Waived** - The MNU application fee for all employees and their immediate family members will be waived.
7. **Postings of Jobs to MNU Students** - MNU will post job openings, once approved by the Director of the Career & Life Calling Center. These requests are made online and posted electronically for all MNU students.

What The City of Harrisonville, MO will provide:

1. **Information Table Space** - The City of Harrisonville, MO will provide MNU recruiters with opportunities to provide information to The City of Harrisonville, MO employees on-site in a common area throughout the year to collect interest and provide enrollment and registration information for upcoming information meetings and program start dates.
2. **Information Meeting Space** - The City of Harrisonville, MO will allow MNU recruiters to host an information meeting on-site to The City of Harrisonville, MO employees in a classroom, conference room, or other common meeting room up to four times per year, or as needed to respond to interest collected from employees about degree programs and tuition discount. Information meetings will allow The City of Harrisonville, MO employees to learn about degree programs, meet with key department representatives about payment options, and receive advising and additional guidance through the enrollment process.
3. **Announcement Space** - The City of Harrisonville, MO will place MNU program announcements in internal communication outlets including, but not limited to, intranet sites, emails, newsletters, new employee packets, bulletin boards, break rooms and common areas. Announcements will include information about the employee tuition discount benefits, start dates, information meeting dates, and upcoming events pertaining to The City of Harrisonville, MO employees and their immediate family members.

***Approved programs** – Approved programs for the discount include the following from MNU's School of Professional and Graduate Studies:

Bachelor of Arts in Applied Organizational Leadership
 Online Bachelor of Business Administration
 Master of Business Administration
 Online Master of Business Administration
 Master of Business Administration in Healthcare Management
 Master of Science in Management
 Bachelor of Science in Computer Information Systems
 RN-Bachelor of Science in Nursing
 RN-Master of Science in Nursing
 Master of Science in Nursing
 MSN/MBA Dual Degree
 Bachelor of Arts in Elementary Education
 Master of Education
 Post Graduate Certificates (Counseling, Education, and Nursing)

Excluded programs from the discount:

CAPE Courses
 Associate of Arts
 Master of Arts in Counseling (MAC)
 Accelerated Bachelor of Science in Nursing (ABSN)

<<<SIGNATURE PAGE FOLLOWS>>>

This agreement is valid only when all required signatures have been obtained as listed.

For MNU:

For The City of Harrisonville, MO:

Katy Siebert **Date**
Community Liaison
School of Professional and Graduate Studies

Happy Welch City Administrator hwelch@harrisonville.com	Date _____
--	-------------------

Mark Ford	Date
Vice President for Strategic Expansion	
Dean, School of Professional and Graduate Studies	

Lisa Hood **Date**
Director of Business Partnerships and Community Relations
School of Professional and Graduate Studies

MidAmerica Nazarene University
School of Professional and Graduate Studies
Office of Admissions
13563 S Mur-Len Road
Olathe, KS 66062-1620
Phone: 913-971-3800
Fax: 913-971-3008
www.mnu.edu/graduate
pgadmissions@mnu.edu

The City of Harrisonville, Missouri
300 East Pearl Street
Harrisonville, MO 64701-1850
Phone: 816-380-8900
Fax: 816-380-8910
www.ci.harrisonville.mo.us



STAFF REPORT

TO: Board of Aldermen
FROM: Eric Myler, Fire Chief
DATE: May 29, 2018
SUBJECT: FIREWORKS PERMIT - CITY PARK 7-4-2018

Type of Item: *Approval*

Chris Deal, City of Harrisonville Parks Director, received only one sealed bid for the fireworks display, that being from Wald & CO out of Greenwood, Missouri. Greg Price has provided the fireworks displays for the City over the last 10 years and has always met the safety requirements set out by the Fire Department, and the Codes Department.

Per Section 205.170 of the City of Harrisonville, Missouri Municipal Ordinances, Wald & Co is normally granted an Exhibition Permit by the Board of Aldermen to provide the display for the July 4th Celebration at the Park. Although ordinance states there is a \$35.00 permit fee, this is normally waived by the Board of Aldermen.

Council Bill No. 39**Resolution No.****A Resolution of the Board of Aldermen of the City of Harrisonville, Missouri
Approving the Fireworks Display in the City Park on July 4th, 2018**

Whereas, The City of Harrisonville, Missouri presents a fireworks display for the general public each year on July 4th,

NOW THEREFORE BE IT RESOLVED

Section 1: That the fireworks display planned in Harrisonville City Park on July 4, 2018 is hereby approved

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Alderman and APPROVED by the Mayor of the City of Harrisonville, Missouri this 4th day of June, 2018.

Brian Hasek, Mayor and Ex-Officio
Chairman of the Board of Alderman

ATTEST:

Randall K. Jones, City Clerk

WITNESS my hand and seal this 4th day of June 2018

Wald & CO., Inc. and All American Display Fireworks

Since 1924

PO Box 319, Greenwood, Missouri 64034

Phone: 816-537-7400 Fax: 816-537-7270

Email: sales@waldfireworks.com Website: www.waldfireworks.com

May 23, 2018

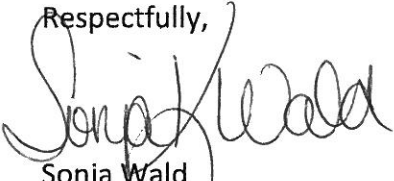
Harrisonville Emergency Services
Attn: Eric Myler
900 South Commercial
Harrisonville, MO 64701

Director Myler:

Enclosed is the request for approval for the July 4th pyrotechnic program for the City of Harrisonville. If you have any questions or need additional information, please contact Steven Whitt in our office at 816-537-7400 or by email at swhitt@waldfireworks.com.

Your assistance is greatly appreciated and I look forward to your response.

Respectfully,



Sonja Wald
Wald & CO., Inc.

Attachment: Letter from Wald & CO (FIREWORKS PERMIT - CITY PARK 7-4-2018)

APPLICATION FOR EVENT PERMIT

A. **FILING PERIOD:** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Aldermen at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Aldermen may require additional time to review the permit application.

B. **CONTENTS:** The application for an event permit shall set forth the following information.

1. Organization: City of Harrisonville, Missouri
2. Name of Applicant: Wald's Co, Inc. d/b/a All American Display Fireworks
 Address: PO Box 319, Greenwood, Missouri 64034
 Phone: 816-537-7400 Fax: 816-537-7270
3. Purpose of Event: Fireworks Display
4. Proposed date (s) and times of Event: July 4, 2018
9:15-9:45 PM
5. Location(s) where event will be held: Camp Reeder on
Lexington Street located north of Harrisonville
City Park at 706 Ash Street, Harrisonville, MO
6. Anticipated crowd size: —
7. Any additional information: Missouri Licensed Pyrotechnician -
Greg Price
Attachments: MO Operators License, Distributor
License and Insurance Certificate

APPROVED this _____ day of _____, 20 ____.

Material: (140)3": (110)4": (90)5":
 (40)6" Aerial Shells
 (4)2.5" 1/2-Shot: (7)3" 1/2-Shot:
 (4)4" 5-Shot and (3)5" 5-Shot Finale Strings
 (16) Assorted Aerial Cakes

 Chief of Police

 City Clerk

Attachment: Application for Event Permit (FIREWORKS PERMIT - CITY PARK 7-4-2018)



Missouri Division of Fire Safety
Fireworks Unit
P.O. Box 844
Jefferson City, MO 65102

Fireworks Display Operator License

Outdoor Fireworks (NFPA Standard 1123)

Dear Operator

You have been approved as a Fireworks Display Operator by the Missouri State Fire Marshal. Receipt of this license verifies that the holder meets the necessary qualifications as defined in Missouri State Statute 320.126 RSMo., the Code of State Regulation 11 CSR 40-3.010 and NFPA Standard 1123.

For your convenience a wallet size license is also enclosed. When conducting a display one of these documents is required to be carried with you and presented upon request.

If you have any questions please contact this office at (573) 751-2930 or e-mail firesafe@dfs.dps.mo.gov.

	Missouri Department of Public Safety Missouri Division of Fire Safety PO Box 844 * Jefferson City, MO 65102
	Licensed Fireworks Display Operator Performs duties as a Fireworks Display Operator as authorized by the Missouri State Fire Marshal, 320.126 RSMo, 11 CSR 40-3.010 and NFPA 1123. Name: Gregory R. Price License Number: 43 Expires: 9 / 8 / 2019 Acting State Fire Marshal:

Attachment: Licensed Fireworks Display Operator (FIREWORKS PERMIT - CITY PARK 7-4-2018)

DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
 BIRMINGHAM, ALABAMA 35215
 PHONE: (205) 854-5806
 FAX: (205) 854-5899

POST OFFICE BOX 94067
 BIRMINGHAM, ALABAMA 35220
 EMAIL: dib@draytonins.com

CERTIFICATE OF INSURANCE

NO. 850606

We certify that insurance is afforded as stated below. This Certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the insurance policy and the insurance afforded is subject to all the terms, exclusions and conditions of the policy.

INSURER Admiral Insurance Company **POLICY NO.** CA000004090-23

NAMED INSURED Wald and Company, Inc.
 d/b/a All American Display Fireworks
 P.O. Box 319
 Greenwood, Missouri 64034

POLICY TERM April 15, 2018 to April 15, 2019; Both Days 12:01 A.M. Standard Time

COVERAGE Commercial General Liability: ☒ Occurrence Basis ☐ Claims Made Basis

LIMIT OF LIABILITY \$5,000,000 each occurrence, \$6,000,000 general aggregate, \$6,000,000 products/completed operations aggregate
 The limit of liability shall not be increased by the inclusion of more than one insured or additional insured.

INSURED OPERATIONS Public fireworks display and special effects contractor

It is certified that, if named below, this policy includes as **Additional Insureds** 1) the sponsor(s), promoter(s), organizer(s) (including other entities having similar interests), of insured pyrotechnic events and/or 2) the owner(s) of real property (or barges) at which insured pyrotechnic events are held and/or 3) the owner(s), manager(s), tenant(s), mortgagee(s) (including other entities having similar interests), of buildings, stadiums, arenas and similar facilities at which insured pyrotechnic events are held and/or 4) the licensing or permitting authority, or other authority having jurisdiction, issuing licenses/permits for insured pyrotechnic events and/or 5) any other entity for which the insurance is required to be afforded under written contract. Coverage applies only as respects the legal liability of such Additional Insured(s) for bodily injury and property damage caused by the operations of the Named Insured. The insurance afforded any Additional Insured excludes liability for bodily injury or property damage arising from the Additional Insureds own negligent acts or omissions or from the failure of such Additional Insured to fulfill its obligations specified in its contract with the Named Insured.

**NAME(S) OF
 ADDITIONAL INSURED(S)**
 City of Harrisonville, Missouri

DISPLAY LOCATION
 Camp Reeder, Harrisonville, Missouri

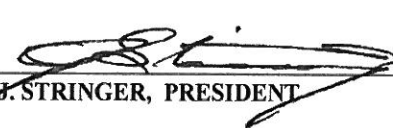
DISPLAY DATE(S)
 7-4-18

It is certified that this policy requires a 30 day mutual notice of cancellation between the Insurer and the Named Insured. In the event of such cancellation we will endeavor to mail 10 days written notice to the Additional Insured(s), whose name and address is shown hereon, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer and/or the undersigned.

5-22-18

DATE OF ISSUE

DRAYTON INSURANCE BROKERS, INC.


 A.J. STRINGER, PRESIDENT

City of Harrisonville 4th of July

Safety Distance Show: 600' Radius

Legend

elot Dr

New Castle Dr

Sycamore St

Oak St

City Lake

Hanesville Lake

Lake Luna

City Park

google earth

2015 Google

6.F.e

MISSOURI DIVISION OF FIRE SAFETY**2018 FIREWORKS PERMIT****Distributor****COMPANY NUMBER:** 9750**FEE:** \$775.00**EXPIRATION DATE:** 12/31/2018

Wald & Company, Inc.
16004 S State Highway 291
Lake Winnebago, MO 64034

MUST BE DISPLAYED WHEN PURCHASING OR SELLING FIREWORKS IN THE
STATE OF MISSOURI AS DEFINED BY STATE STATUTE 320.126 RSMo, AND CODE
OF STATE REGULATIONS 11 CSR 40-3.010.

Charles A. (Drew) Juden

DIRECTOR OF PUBLIC SAFETY

J. Tim Bean

STATE FIRE MARSHAL

LICENSE NOT TRANSFERABLE

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number 5-MO-095-24-0D-00316
Chief, Federal Explosives Licensing Center (FELC) <i>Christopher R. Reers</i>	Expiration Date April 1, 2020

Name
ALL AMERICAN DISPLAY FIREWORKS

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
**16004 SOUTH STATE 291 HIGHWAY
GREENWOOD, MO 64034-**

Type of License or Permit
24-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

WALD & CO INC
ALL AMERICAN DISPLAY FIREWORKS
PO BOX 319
GREENWOOD, MO 64034-0319

<i>Sonja K Wald</i> Licensee/Permittee Responsible Person Signature	Position/Title 5-19-17
Sonja K Wald Printed Name	Date

Previous Edition is Obsolete WALD & CO INC-16004 SOUTH STATE 291 HIGHWAY-64034-5-MO-095-24-0D-00316 April 1, 2020-24-IMPORTER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC) 244 Needy Road Martinsburg, WV 25405-9431	Toll-free Telephone Number: (877) 283-3352 Fax Number: (304) 616-4401 E-mail: FELC@atf.gov	ATF Homepage: www.atf.gov
--	--	---------------------------

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **WALD & CO INC**

Business Name: **ALL AMERICAN DISPLAY FIREWORKS**

License/Permit Number: **5-MO-095-24-0D-00316**

License/Permit Type: **24-IMPORTER OF EXPLOSIVES**

Expiration: **April 1, 2020**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

Attachment: Federal Explosives License & Permit (FIREWORKS PERMIT - CITY PARK 7-4-2018)



STAFF REPORT

TO: Board of Aldermen
FROM: Happy Welch, City Administrator
DATE: May 29, 2018
SUBJECT: Personnel Policy Revision

Type of Item: *Approval*

Background:

When I started here in 1/2017 the previous city clerk had recommended revising the Personnel Policy to bring it current with federal and state laws, update areas like harassment which has a broader definition, and try to create a better format so staff and employees can locate sections. We originally put \$10,000 in the 2018 budget but the Board requested we pursue it for less cost. It was recommended we use our Loss Control Funds from MPR to do the update with the money spent on attorney's fees being refunded from our insurance carrier.

Issue:

We have updated the format, revised the flow of information, updated all the areas with reviews by Chris Napolitano and Matt Gist, attorneys with Enze and Jester, and we have changed areas that reflect current policies.

Recommendation:

The Board should review the contents and request changes or explanation.

Some of the significant changes are:

We have eliminated our Return to Work policy and replaced it with Modified Duty, best known as Light Duty for injured employees.

We refer to the GSA for the amount of per diem allowed for meals when traveling to a conference or seminar.

We increased personal leave hours for fire/EMS to 24 hours.

Fire/EMS holiday pay has been upped to 24 hours.

We have removed the Technology Policy and will bring it back as its own document.

I have included a highlighted version for those sections that have been amended. Yellow highlights are recommended changes from the original book and the blue are from our city attorney review.

Cost:

Paid for through MPR Loss Control Funds.

Council Bill No. 40

Resolution No.

A Resolution Pursuant to Chapter 103, Administration, Section 103.010 Personnel Rules and Regulations; Establishing and Approving a New Personnel Policy for the City of Harrisonville, Missouri and Establishing an Effective Date

WHEREAS, this Resolution is done pursuant to Chapter 103, Administration, Section 103.010, Personnel Rules and Regulations to establish a Personnel Policy for the City of Harrisonville, Missouri ("City");

WHEREAS, the Personnel Policy will be the guide for all departments to follow for proper employment practices and is a guide for employment with the City;

WHEREAS, this Personnel Policy is a separate document detached from the codebook with a copy retained in the city clerk's office;

WHEREAS; this Personnel Policy updates policies for harassment, FMLA, military leave, compensation, benefits, and substance abuse;

WHEREAS; the Personnel Policy establishes a procedure for modified duty assignments for employees returning from an injury;

WHEREAS; the Personnel Policy has been review and approved by qualified individuals in the employment practices field;

WHEREAS; the Finance/Personnel Committee reviewed the details of the proposed Personnel Policy, the changes and additions to the prior policy, and voted in favor of sending this proposed Personnel Policy to the City's full Board of Aldermen for review and approval;

WHEREAS, the City of Harrisonville Board of Aldermen, after careful and due deliberation, concludes that amending the Personnel Policy as set forth below would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That this Personnel Policy for the City of Harrisonville is established pursuant to Chapter 103, Section 103.010.

Section 2: That the attached Personnel Policy, designated Exhibit A and incorporated herein by reference, is hereby approved and adopted, shall be maintained in a file designated by the City Administrator who shall advise and direct City staff to follow such policies, with a copy available for public inspection in the city clerk's office.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4: Effective Date. That this order shall become effective August 1, 2018 upon its passage and approval.

PASSED and RESOLVED BY THE BOARD OF ALDERMEN and APPROVED by the Mayor of the City of Harrisonville, Missouri this 4th day of June 2018.

Brian Hasek, Mayor & Ex-Officio
Chairman of the Board of Alderman

ATTEST:

Randall K. Jones, City Clerk

APPROVED by the Mayor this 4th day of June 2018.

EXHIBIT A

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SECTION 1

DEFINITION OF TERMS

The following words and phrases shall have the meaning indicated throughout this ordinance except where the context clearly indicates otherwise:

- 1.1 Acting capacity: An interim appointment to fill an existing vacancy in the classified service in a higher position.
- 1.2 Allocation: The assignment of an individual position to an appropriate class in accordance with its duties and responsibilities.
- 1.3 Anniversary Date: The appointment date to a position.
- 1.4 Appeal: A process which provides an employee the right of review of a Supervisor's or appointing authority's disciplinary action.
- 1.5 Applicant: A person who has filed a formal application for employment with the City of Harrisonville, Missouri.
- 1.6 Appointing authority: The City Administrator or such Supervisors, officer or agency as may be authorized to make appointments to positions in such office or agency, as provided by ordinance or by direction of the Mayor and Board of Aldermen.
- 1.7 Appointment: Employment or assignment to a position in an administrative department, office or agency, as provided by City ordinance or as provided by the Board of Aldermen.
- 1.8 Assembled examination: A written, oral or physical performance test at a specified time and place at which applicants are required to appear for testing under supervision.
- 1.9 Candidate: An applicant who has taken a merit examination whose name has not yet been recorded on an eligibility list.
- 1.10 Class: A group of positions similar in respect to duties, responsibilities, and authority and having similar qualifications that are necessary or desirable for the satisfactory performance of the duties of the positions.
- 1.11 Classification: The assignment of a position to an appropriate class, grade, or level on the basis of the kind, difficulty, and responsibility of the work to be performed.
- 1.12 Classified Employee: The classified service shall include all positions not specifically included in the unclassified service.

1.13 Conflict of Interest: A conflict between the private interests and the official responsibilities of a person in a position of trust, as defined by the State Statutes. All employees of the City shall be required to file an affidavit with the City advising the City of any business in which they have ten percent (10%) or more interest.

1.14 Consanguinity: (2nd Degree) Descendants from or related to a blood relative. 1st Degree includes parents, children, full siblings, nephews, uncles, and half siblings.

1.15 Demotion: The movement of an employee from a position in one class to a position in the same or another class, having a lower maximum salary rate.

1.16 Department Head: An individual appointed by the City Administrator to administer one of the departments. Also classified as a Director, City Engineer, or Police Chief.

1.17 Dismissal: The permanent separation of an employee from the City's service.

1.18 Eligible: A person who, under these policies, meets the requirements for certification for appointment to a position in the classified service.

1.19 Emergency: When the health, safety and/or services to the citizens of Harrisonville are disrupted to the extent that physical damage to persons and property would be affected.

1.20 Employment related injury: An injury or occupational disease, which arises out of the course of employment.

1.21 Exempt employees: Employee exempt from overtime as defined by FLSA.

1.22 Extended Family: Employee's nieces, nephews, aunts, uncles, including those by marriage.

1.23 Fiscal Year: The fiscal year is defined as January 1, through December 31.

1.24 General employee: Employees in the classified service other than those hereinafter designated as "Public Safety Employees".

1.25 Hire Date: The date employment started with the City. If a part-time employee becomes fulltime, their hire date is then changed to the date of fulltime employment.

1.26 Immediate family: Employee's spouse, children, grandchildren, grandparents, parents, brothers and sisters, including those by marriage.

1.27 Introductory period: A working test period during which an employee in the classified service, newly appointed or promoted, is required to demonstrate his/her fitness by actual performance of the duties of the position to which he/she is appointed or promoted. The introductory period for General Employees is typically six (6) months and for newly hired fulltime public safety employees, twelve (12) months. This period may be extended at the discretion of the City Administrator.

1.28 Modified Duty: Position is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following an on-the-job injury or illness. The Modified Duty position temporarily addresses the restrictions placed on an individual by the employee's treating doctor.

1.29 Pay anniversary date: The effective date of hire or any change in pay status caused by promotion or demotion. This does not apply to special merit increases or increases applied citywide such as cost-of-living increases.

1.30 Physician: In this policy Physician means a (e.g. doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the State of Missouri Workers' Compensation Regulations administered by the Missouri Department of Labor and Industrial relations under Chapter 287 RSMo.)

1.31 Performance rating: A performance rating is a periodic evaluation of an employee's performance in his/her assigned duties and responsibilities. This rating is made by the employee's immediate supervisor and reviewed by the Department Head. A final review will be made by the City Administrator or his/her designee.

1.32 Position: A group of current duties and responsibilities assigned or delegated by competent authority, requiring regular or temporary, part-time or fulltime, employment of one person.

1.33 Promotion: The movement of an employee from a position in one class to a position in the same class or another class having a higher maximum salary rate.

1.34 Promotional examination: An examination in which the competition is limited to employees in the classified service who meet the qualifications set forth in the examination announcement notice.

1.35 Public Safety Employee and Volunteer: Employees in the service of the Police Department who are commissioned police officers and employees and volunteers in the service of the fire department and employees and volunteers in the service of the Emergency Services Department who are licensed paramedics and/or EMTs by the State of Missouri or possess other licenses required by the City and volunteers of the Emergency Management Department. Explorers & Volunteers in Police Service (VIPS) in the Police Department are considered volunteers, as well as people who assist in the Animal Control Department.

1.36 Public Works: Employees in the service of the Street, Water, Sewer, or Electric Departments are considered Public Works employees for this policy.

1.37 Reclassification: An official determination by the City Administrator that a position be assigned to a class different from the one to which it was previously classified.

1.38 Regular Fulltime Employee: An employee who is employed to work any classified or unclassified position in the City and who is expected to work at least 30 hours per week.

1.39 Regular Part-time Employee: An employee appointed for work on a basis of twenty-nine (29) hours per week or less and under 1500 hours per year in a recurring regular weekly schedule. This definition does not apply to volunteers. Part-time employees are not eligible for most benefits.

1.40 Regular position: A position included in the adopted budget that is not limited to a period of less than the budget year, or any position established during a given budget year with written approval by the City Administrator, Mayor and Board of Aldermen.

1.41 Reserve Employee: An employee who meets the minimum qualifications for a police dispatcher or police officer and has been sworn in, who has no set schedule to work and can be called upon to fill a vacancy in the dispatch center or patrol schedule.

1.42 Retiree: An employee who has attained an age and service allowance after completing 5 years of credited service and attaining the minimum service retirement age as defined by Missouri Local Government Employees Retirement System (LAGERS) and has separated from employment and is receiving retirement benefits.

1.43 Seasonal Employee: A position composed of duties which occur, terminate and recur seasonally, intermittently and/or according to the needs of the department. This employee is limited to less than 1500 hours per calendar year.

1.44 Supervisor: May include department heads, managers, shift supervisors, foremen, chief plant operators, lieutenants, sergeants, corporals or any individual within a department who is authorized in a supervisor role.

1.45 Suspension: The temporary separation from City employment, with or without pay, of an employee for disciplinary reasons.

1.46 Temporary Employee: An employee who is hired to work in a position for a limited period of time.

1.47 Temporary position: A position composed of duties which are expected to occur for only a limited non-seasonal period.

1.48 Transfer: The movement of an employee from one department or division of the municipal government to another or one position to another position in the same class, or to another class when the movement is not a promotion or demotion under these policies.

1.49 Unassembled examination: A test consisting of an appraisal of training, experience, work history or any other means of evaluating without the necessity for applicants appearing at a specified place.

1.50 Unclassified employee: The unclassified service shall consist of employees in the following positions: Mayor and Board of Aldermen, City Administrator, Community Development Director, Police Chief, City Clerk, Emergency Services Director, Director of Finance, Director of Public Works, City Engineer, Parks & Recreation Director, Director of Codes Administration, Street Superintendent, and IT Director.

1.51 Vacancy: A duly created or currently existing position which is not occupied and for which funds have been provided.

1.52 Volunteer: Any person who volunteers services to the City and receives no pay.

1.53 Working Day: A working day consists of the number of hours worked by regular employees during their normal or usual shift.

SECTION 2

GENERAL PROVISIONS

2.1 Purpose

The purpose of these rules is to establish policies and procedures, to be used as guidelines by the City of Harrisonville in the administration of its personnel program.

2.2 Amendment and Adoption

Nothing contained in this personnel manual is intended to create an employment contract, express or implied, between the City of Harrisonville and any employee for either employment or for provision of any benefit. The City Administrator, or his/her designee, may recommend amendments or revisions of these policies by submitting proposed revisions to the Board of Alderman. Amendments or revisions of these policies shall become effective upon adoption by the Board of Aldermen, at any time, with or without notice to the employees, and shall supersede all previous policies which address the same subject matter.

2.3 At-Will Employment

Missouri is an at-will employment state. When the employment relationship is at-will, either the employer or the employee may terminate the relationship at any time and for any, or for no, reason. The relationship is based on no binding terms on either side and is intended to be for an indefinite period of time – until the employer or employee decides to end it.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees.

2.4 Authority to Interpret

If any interpretation, clarification, or temporary deviation from the policies and provisions contained herein has to be made, it will be done at the discretion of the City Administrator.

2.5 Departmental Rules and Regulations and S.O.P. Manuals

Departments may promulgate rules and regulations and SOP Manuals as may be necessary or appropriate. Departmental rules and regulations and S.O.P Manuals shall not conflict with the provisions of these policies. Departmental rules shall be approved by the City Administrator, or his/her designee, and when necessary or appropriate, shall be adopted by the Board of Aldermen. Such rules, when approved and/or adopted, shall

have the force and effect of rules of that department. No rule, regulation or SOP shall affect or modify the status of employees as at-will employees.

2.6 Employee Records

Personnel records for employees are retained by the Human Resource Personnel. Employees may inspect their own personnel records, but may not remove documents from their files. Such an inspection must be requested in writing and submitted to the Human Resource Personnel. A mutually convenient time will be scheduled for the inspection. Employees must review their own personnel files in the presence of an authorized City representative and copies of records are not allowed.

2.7 Positions Covered

These policies shall be applicable to all regular employees in the classified and unclassified service, except as may be excluded herein, and to such other employees in such a manner as specifically prescribed.

The classified service shall include all positions not specifically included in the unclassified service.

2.8 Administration

The City Administrator is responsible for the administration of these policies. The City Administrator, or his/her designee, shall be responsible for maintaining a complete current set of rules and for bringing these rules to the attention of all employees.

2.9 Equal Employment Opportunity

2.9.1 EEO Policy

The City of Harrisonville is an equal opportunity employer.

To give equal employment and advancement opportunities to all job applicants and employees, the City makes employment decisions based on a person's performance, qualifications and abilities. Employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, national origin, sex, age, individual genetic information or disability. This policy applies to all employment practices, including employment, hiring, promotion, discipline, demotions, transfer, layoff, termination, recruitment advertising, rates of pay and other forms of compensation, benefits, training and general treatment of employees.

The City will not tolerate discrimination or harassment on the basis of race, color, religion, national origin, sex, age, individual genetic information, disability, status as a veteran, gender identity, or any other characteristic protected by law.

The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on race, sex, national origin, religion, age, disability, or individual genetic information, and/or participates or cooperates in an investigation of alleged discrimination. 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 Resources Department.

2.9.2 Harassment Policy

It is the policy of the City that all employees should be treated, and treat each other, with dignity and respect. The City is committed to providing a work environment that is free from all forms of illegal discrimination and illegal harassment, including but not limited to, sexual harassment. The City provides ongoing sexual harassment training to ensure employees the opportunity to work in an environment free of sexual and other unlawful harassment. The City will not tolerate illegal discrimination or illegal harassment against employees based on sex, race, religion, national origin, disability or individual genetic information. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Sexual harassment may take many forms including written, verbal, physical and postings on professional or social networks, Twitter or other electronic communications. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, off-color jokes, sexual pictures or cartoons, or suggestive or obscene letters, notes, or invitations

Physical conduct that includes touching, assaulting, or impeding or blocking movements, in addition to unwanted touching, pats, squeezes, or the repeated brushing against another's body.

Unwelcome sexual advances (either verbal or physical, including postings on professional and social networks, tweets and other electronic communications), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or

rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Other Harassment includes any unwelcome comments or actions based on an employee's sex, race, religion, national origin, age, disability or individual genetic information. It may take many forms, including but not limited to, off-color jokes, inappropriate comments or remarks, pictures, cartoons, physical contact, and postings on professional or social networks, tweets or other electronic communications, etc. which portray individuals in a bad light based on their membership in a protected category.

2.9.3 Responsibility

- It is the responsibility of all employees to refrain from any form of harassment, including sexual harassment, or inappropriate verbal or physical conduct of a sexual or harassing nature.
- Any employee observing violations of this policy should report it to their immediate supervisor, a supervisor other than their direct/immediate supervisor, the department director, Human resources officer, or the City Administrator
- It is the responsibility of the employee who believes they or others are being or have been subjected to sexual or other harassment to report any violations of this policy to the employee's immediate supervisor, a supervisor other than their direct/immediate supervisor, the department director, Human resources officer, or the City Administrator
- Any person who receives such a report, or observes violations of this policy, should immediately convey the report and/or report the violations to Human Resources or the City Administrator.
- Employees have a responsibility to:
 - cooperate fully with the investigating parties;
 - provide full and complete information when reporting an incident or when being interviewed about an incident as a possible witness; and understand this policy and its consequences for violations.

2.9.4 Investigation

The City will conduct a prompt investigation of any knowledge of or report of harassment or discrimination. To the extent possible, investigations into complaints of harassment or discrimination will be kept confidential and protected against unnecessary disclosure. When the investigation is complete, the complaining employee and the accused harasser will be informed of the outcome of the investigation.

2.9.5 Consequences

- Conduct of a harassing or discriminatory nature will not be tolerated and may result in discipline, up to and including termination.
- Following an investigation, corrective action will be taken as necessary.
- The City will not tolerate retaliation of any kind for reporting complaints of harassment or discrimination, or participating in investigations of harassment or discrimination. The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of harassment or discrimination based on race, sex, national origin, religion, age, disability, or individual genetic information, and/or participates or cooperates in an investigation of alleged discrimination. 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 Resources Department or City Administrator.

** This policy does not preclude the City from taking disciplinary action, up to and including termination, against anyone who knowingly discloses false information and/or makes a report regarding harassment in bad faith.

2.10 Workplace Threats and Violence Policy

Threats, threatening behavior or acts of violence against employees or citizens visiting City facilities, by anyone on City property, will not be tolerated.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property may be removed from the premises as quickly as safety permits, and may be required to remain off City property pending the outcome of an investigation.

All City employees are responsible for notifying their supervisor, Department Head or the Human Resources Department of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on City property. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or

threatening behavior and the person and/or persons who were threatened or were the focus of the threatening behavior.

Employees who apply for or obtain a protective or restraining order which lists City property as being protected areas, must inform their supervisor, Department Head or the Human Resources Department. The City understands the sensitivity of the information requested and recognizes and respects the privacy of the reporting employees. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible.

2.11 Immigration Law Compliance

The City is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. The City does not illegally discriminate because of a person's citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, and as a condition of employment with the City, every new employee is required to complete the Employment Eligibility Verification Form I-9 and present documentation that proves identity and employment eligibility.

If an employee leaves City employment and is rehired, he or she must complete another Form I-9 if the previous I-9 with the City is more than three years old, or if the original I-9 is not accurate anymore, or if the City no longer has the original I-9.

2.12 GINA (Genetic Information Non-Discrimination Act)

The City does not request, require, purchase, or deliberately acquire any genetic information (including information from genetic tests, the genetic tests of family members, family medical history, or information about any employee's, applicant's or family member's request for or receipt of genetic information). Tests for drug or alcohol use are not considered "genetic testing" and may be required by the City in appropriate circumstances.

To the extent the City receives information about an applicant's or employee's family medical history or other genetic information inadvertently (e.g., in the administration of a leave request or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider a leave request for 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.

2.13 ADA (Americans with Disabilities Act)

It is the policy of the City to consider qualified applicants with disabilities in its hiring process. If an applicant with a disability is qualified for a position that is available and can perform the essential functions of the employment position, either with or without reasonable accommodation, it is the City's policy to consider that person on an equal basis with any other applicants who apply for the job. The City will not make disability a factor in its hiring process; its employment decisions are based on job-related criteria alone.

Qualified individuals with disabilities may make requests for reasonable accommodation to their supervisor, Department Head or the Human Resources Department. If an employee has any questions regarding whether they qualify for a reasonable accommodation, they should contact Human Resources for more information.

Any accommodation request received by a supervisor or Department Head should be immediately reported to Human Resources.

2.14 Workers' Compensation Benefits

If an employee sustains a work-related injury, the City's workers' compensation insurance will provide medical coverage and income replacement for the period of the employee's disability.

Following a work-related injury, workers' compensation benefits will not be paid until three (3) days have passed from the date of injury when the employee is treated by an authorized medical provider. Medical expenses will, however, be paid from the time of injury. Compensation benefits will begin the day after the waiting period ends. If the employee is disabled for 14 days or more, benefits will be paid retroactively to cover the waiting period. If it appears that the employee will be off work and the City is unable to accommodate the employee for 14 days or more, the waiting period may be waived.

If an employee is injured on the job, the employee, the employee's supervisor, and any witness must complete the appropriate forms and forward them to the Human Resources Department no later than three (3) working days following the incident, in order to preserve the employee's right to workers' compensation benefits. Forms for reporting injuries may be obtained in the Human Resources Department.

2.15 Employee Tobacco Use Policy

The City's facilities are smoke free and tobacco free. Smoking, and other tobacco use, is not allowed in or around City buildings, in City Vehicles, or while using City equipment. Smoking, or other tobacco use, is permitted *only* outside and in clearly marked designated smoking areas and during break times. The City asks that those employees who smoke or use tobacco provide and utilize proper containers for extinguishing and disposing of tobacco products. For purposes of this policy, "smoking" and "tobacco use" includes the use of electronic cigarettes, vaporizers, or the like.

2.16 Workplace Searches

In order to safeguard the security and property of our employees, our customers, and the City, and to help prevent workplace violence and/or the possession, use, and sale of illegal drugs on City premises, the City reserves the right to question employees regarding any suspected illegal activity occurring on City premises or in the workplace. All offices, desks, files, lockers, computers, equipment and vehicles are the property of the City. Employees, officers, agents, or visitors of the City shall have no expectation of privacy in property owned by the City. Further, the City may search any of its property, at any time, without prior notice or consent.

2.17 Outside Employment

No full-time employee shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval of the City Administrator. Any employee engaged in outside employment must fill out a form advising his/her Department Head or Supervisor and the City Administrator where he/she is working, the hours he/she is working, and the telephone number where he/she may be reached. (A copy of the outside employment form must be filed in the Human Resource office to be included in the employee's personnel file.) Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere with the employee's municipal service or where it creates the appearance of impropriety. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties. Failure of an employee to seek approval, or openly disregard the denial of the City Administrator for said outside activity, may result in dismissal from City employment.

2.18 Personal Appearance of Employees

The City wishes to maintain a work environment that functions well and is free of unnecessary distractions. Each employee, volunteer, and contractor must maintain a groomed, clean, and businesslike appearance that is appropriate for the workplace and the type of work being performed. Depending upon the department, or the type of work being performed, certain individuals may be required to meet specific dress codes and appearance standards. For example, some individuals may be required to wear uniforms or protective clothing. Individuals who fail to comply with this policy may be subject to disciplinary action. If you have questions about these standards for your department or position, please contact your supervisor.

At the discretion of the department head or city administrator, a more "casual" dress code may be permitted under special circumstances. If you believe you need a reasonable accommodation from the requirements of this policy to comply with your religious beliefs, please inform the Human Resources Department.

Employees required to wear uniforms will receive monthly uniform allowances or will be provided uniforms, depending on department policy. Uniformed personnel are expected to keep their uniforms clean and neat, and wear them according to their respective department regulations. Uniforms are not to be worn outside of work activities, and the City's logo is not to be affixed to any non-approved clothing. Further, uniformed personnel are not eligible to participate in City recognized casual days without prior approval by their Supervisor, with the consent of the City Administrator.

SECTION 3

APPLICATIONS AND APPLICANTS

3.1 Announcement

The City Administrator, or his/her designee, shall practice suitable and effective methods for distributing information relative to job openings and securing the most qualified applicants available. Announcements for positions in the classified service shall be published by posting announcements on bulletin boards in the City Hall, in the local newspaper or in such other places as shall be deemed appropriate for a minimum of 14 days before the closing date for receiving applications. The announcement shall specify the title and salary range of the class for which the job opening is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the time, place and the manner of making application; closing date for receiving applications; and other pertinent information. It will also state: "The City of Harrisonville is an equal opportunity employer." Posting announcements only within the organization will be done when appropriate. On occasion an internal posting of a job opening may be the only announcement utilized.

3.2 Application Forms

All applications shall be made on forms prescribed by the City and shall be submitted to the Human Resources Office on or prior to the closing time specified in the announcement. Applications shall include complete information relating to the applicant's contact information, education and training, experience and other pertinent information. The City Administrator, or his/her designee, shall require such proof of minimum age, education, experience, and other requirements as may be appropriate when such information is pertinent to the position for which the applicant applies. The person applying must sign the application. All applications for employment shall be processed through the designated office. An applicant who intentionally bypasses this procedure and submits an application directly with the Supervisor causes his/her application to become null and void. Applications will only be accepted when there is an opening, except for part time EMS and Police positions for which applications will be accepted at all times and submitted within the appropriate department.

3.3 Disqualification

The City Administrator, or his/her designee, may reject any application from further consideration if the application indicates on its face that the applicant does not possess the minimum qualifications or if the applicant has made any false statement of any material fact or practice, or attempted to practice any deception or fraud in his/her application. Applications, whether accepted or rejected, shall remain on file for two years and shall not be returned.

3.4 Residence of Employees and Applicants

Principle Place of Residence-defined as that place the employee declares his/her home for voting purposes or with the intent to remain there permanently for a definite, indefinite or undermined length of time.

All City employees shall report changes of principal addresses to their respective department/division managers and the Human Resources Department within five (5) working days from the date of change of address.

All City employees are encouraged, but not required, to live inside Harrisonville city limits. At the time of appointment, promotion, etc., if all of the factors are equal, City residents may be given favorable preference.

First responders, excluding police and emergency service personnel, shall respond to their departments within thirty (30) minutes. Department directors shall establish the first responders for their respective service areas.

Exceptions to this policy are as follows: The Administrator, Police Chief, and EMS Director must live within the corporate city limits of Harrisonville. Police Lieutenants and Deputy EMS Director are required to live within a 5 mile radius of Harrisonville City Hall. The City Clerk and Public Works Director must live within 15 miles of Harrisonville City Hall.

3.5 Relatives – Hiring and Continued Employment of Relatives

It shall be the City's policy to not employ individuals full time in the same department within the 2nd degree of Consanguinity with a current employee. If a supervisor and subordinate marry or in any other way become members of the same immediate family, one of them must obtain employment in another department or sever employment with the City within six (6) months. This policy shall not apply to relationships/employment existing prior to June 1, 2018.

3.6 Valid Driver's License

Any employee who is required to drive a City vehicle as a part of his/her employment must have a valid driver's or Missouri CDL license (if required by department). A suspended, expired or revoked license will not be considered to be a valid license. Driving a City vehicle without a license or with a suspended or revoked license, will subject the employee to disciplinary action.

SECTION 4

METHOD OF FILLING VACANCIES4.1 Request to Post Position

When a vacancy occurs, the appointing authority shall notify the City Administrator, or his/her designee, of the position that is to be filled.

4.2 Nondiscrimination

The City is an Equal Opportunity Employer and will not permit discrimination based on race, gender, color, age, national origin, ancestry, religion, disability or status as a veteran. Employment related decisions such as hiring, promotion, training and discipline will be made only for legitimate business reasons based upon qualifications and other nondiscriminatory factors.

4.3 Appointment

After an interview, the appointing authority may make appointments based on ability, training, education, and experience, and shall immediately obtain the approval of the City Administrator, or his/her designee, of the person or persons appointed. The City Administrator, or his/her designee, shall thereupon notify the person of the appointment contingent upon a successful drug test and background check; if the applicant accepts the appointment and presents himself/herself for duty within such period of time as the appointing authority shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have refused the appointment.

4.4 Types of Appointments4.4.1 Introductory

Except as may be provided otherwise in accordance with these policies, all appointments to regular full-time positions in the classified service, whether entry or promotional, shall be considered introductory for the period of time prescribed in these policies.

4.4.2 Transfer

If an employee wishes to be transferred to another department, he/she may so notify the City Administrator in writing, who, after consultation with the Supervisors concerned, may affect transfers which are to the advantage of the service. No person shall be transferred to a position for which he/she does not possess the required qualifications. The Supervisor of the department from which the employee is transferring shall complete a performance evaluation review form on the transferring employee for submission to the properly designated office.

4.5 Promotion

Whenever possible, vacancies are encouraged to be filled by promotion of a qualified employee within the City service. Such promotion will be based on qualifications, past performance, abilities, education, length of service and other legitimate nondiscriminatory factors. A recruiting process may not be necessary when the promotion of an employee has been incorporated into a succession plan which anticipated an employee being promoted into a particular position when it becomes available.

External applicants may be recruited for vacant positions along with internal applications at the time of the job posting. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service, in accordance with the procedures established herein.

Transfer between departments within the same position classification will be considered when a vacancy occurs, but preference may be given to promotion within the department.

SECTION 5

INTRODUCTORY PERIOD5.1 Objective

The introductory period shall be regarded as an integral part of the examination process and shall be utilized for closely observing newly appointed or promoted employee's work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any employee whose performance does not meet the required work standards to which he/she has been appointed or promoted.

5.2 Duration5.2.1 General Employees

The introductory period for general employees in the classified service, whether originally appointed or promoted, shall be a minimum period of six (6) months. A general employee who is transferred to a new position or is promoted shall begin a new six (6) month period of introduction for that position upon assuming the new position.

5.2.2 Public Safety Employees

The introductory period for public safety employees shall be a minimum period of twelve (12) months from date of initial appointment and six months from date of promotion.

5.2.3 Extended Introductory Period

The City Administrator or Department Supervisor, with City Administrator approval, may extend the introductory period for general or public safety employees as deemed necessary.

5.3 Introductory Service Ratings5.3.1 General Employees

One performance evaluation report will be submitted on each employee prior to the completion of the six (6) months introductory period.

5.3.2 Public Safety Employees

Two (2) evaluation reports shall be submitted on employees serving a twelve (12) month introductory period - the first at the end of six (6) months employment and the second prior to the completion of twelve (12) months employment. Public Safety employees serving a six (6) month introductory period will be evaluated the same as general employees.

5.4 Release During Introductory Period

An employee, who is released and/or dismissed during the original hire introductory period or the extended introductory period, shall not have the right to appeal such action.

5.5 Rejection Following Promotion

Any employee who fails to qualify during an introductory period following a promotional appointment will be terminated unless the position from which the employee was promoted is vacant and the employee's supervisor, department head, and City Administrator believes a return to that position would be for the good of the service to the City.

5.6 Employment At-Will

Nothing in this Section 5 of this policy changes the fact that employment with the City shall be At-Will.

SECTION 6

CLASSIFICATION, COMPENSATION, AND BENEFITS6.1 Classification Plan6.1.1 Preparation of Classification Plan

The position classification plan, based upon and graded according to assigned work duties and responsibilities, shall be developed and maintained by the City Administrator to provide the standardization and the proper classification of all positions in the classified service of the City. This plan shall include:

- a. A descriptive title for each class of positions, and
- b. Job descriptions in such form as prescribed by the City Administrator.

6.1.2 Adoption of the Plan

The classification plan, as approved by the City Administrator and adopted by the Board of Aldermen by resolution, or as amended by resolution in accordance with these policies, shall constitute the classification plan for the City of Harrisonville, Missouri.

6.1.3 Amendment of the Plan

The classification plan may be amended in the same manner as prescribed for adoption of the plan. (See 6.1.2)

6.1.4 New Positions

New positions may be added to the classification plan in the manner prescribed for amendment of the classification plan. (See 6.1.3)

6.2 Classification of Positions

Each position in the classified service shall be allocated to the similar appropriate class therein on the basis of its duties, authority, and responsibilities. Positions shall be allocated to the same class when:

- 6.2.1 The positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
- 6.2.2 Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents;

6.2.3 Substantially the same job related test of fitness may be used in selecting qualified appointees; and

6.2.4 The same salary range may be made to apply with equity.

6.3 Reclassification of Positions

Positions, the duties of which have changed sufficiently to require reclassification in the approved Compensation Structure, shall be allocated to a more appropriate class (level), whether new or already created, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding rules governing promotion and demotion or solely as the means of increasing the rate of pay of individual employees. An employee may, at any time, submit a written request to his/her appointing authority for review of the classification of his/her position. This request must set forth the employee's reasons justifying a review. The appointing authority shall notify the City Administrator, who may make an investigation of the position to determine its correct allocation, and if appropriate, seek a reclassification of the position.

6.4 Job Descriptions

The City Administrator, or his/her designee, shall maintain a master set of all approved job descriptions. Such job descriptions, as approved by the City Administrator, shall constitute the official job descriptions for the classified service for the City. The City Administrator, or his/her designee, shall provide each Department Head and appointing authority with a set of the job descriptions authorized in that department. Such job descriptions shall be open for inspection by employees under reasonable conditions during regular business hours. It shall be the responsibility of the appointing authorities to report to the City Administrator any and all significant, permanent changes in the duties or responsibilities of positions within their departments. However, job descriptions are descriptive only, and not restrictive and shall not be held to exclude those duties and responsibilities which are not specifically mentioned, but are similar as to kind and level or directly connected to the functions of the position. Also, any specifications as approved may be subject to change predicated on City needs or Federal/State specification or requirements.

6.5 Use of Class Titles

Following the adoption of the classification plan and the assignment of positions in the classified service to classes therein, the class titles set forth therein shall be used to designate such positions on all official records, vouchers and payrolls.

6.6 Compensation Plan

6.6.1 Preparation of Plan:

A basic salary plan, directly related to the classification plan, shall be developed and maintained by the City Administrator. This plan shall consist of salary ranges, expressed in monthly or hourly rates, for each class of positions, which shall constitute the minimum and maximum rates of pay for each salary range. Salary ranges shall be proposed with due regard to ranges of pay for other classes, prevailing rates of pay for comparable work in other public and private employment in the area, cost-of-living factors, benefits received by employees, the financial condition of the City, and other economic considerations.

6.6.2 Adoption of the Plan:

The basic salary plan, as proposed by the City Administrator and adopted by the Board of Aldermen, or as amended in accordance with these policies, shall constitute the pay plan for the City of Harrisonville, Missouri.

6.7 Amendment of the Plan:

The pay plan may be amended in the same manner as prescribed for adoption of the plan.

6.8 Personnel Action Request:

A Personnel Action Request form must be completed before hiring any employee, whether regular full-time, regular part-time, temporary, seasonal or reserve positions.

6.9 Administration of the Pay Plan

6.9.1 Appointment Rate:

The minimum rate of pay for a class shall normally be paid upon appointment to the class. The rate above the minimum rate may be paid provided the appointing authority submits a written request justifying reasons for such action for approval by the City Administrator.

6.9.2 Date of Rate Adjustment:

Pay rate adjustments are effective on the first day of the first pay period beginning on or after (1) performance pay advance, (2) transfer, (3) promotion, (4) demotion, or (5) reclassification, unless otherwise determined by the City Administrator.

6.10 Performance Pay Increases:

Immediately following the successful completion of six months of regular full-time employment, a new or newly promoted employee may be eligible for a pay increase. This date will be the new yearly review anniversary date for the employee.

The employee may be eligible for an increase annually until he/she reaches the top of the salary range for his/her position. Increases in salary shall not be more often than once each year after the employee's initial six-month introductory period, except that the appointing authority may grant pay increases more frequently than once each year upon submission of an employee evaluation form and detailed written statements to the City Administrator specifying the employee's exceptional performance or the unusual employment conditions that make such action warranted. The City Administrator may approve such pay increase provided funds are available within the department's existing and approved budget.

6.11 Pay Rate Adjustments:

The following action shall affect the pay status of an employee in the manner provided. Such action must be reflected on a Personnel Action Request.

6.11.1 Transfer

When an employee is transferred between departments or divisions to a job of equal or higher classification, the salary rate of the employee will remain unchanged unless the employee's current rate is below the minimum rate established for the class to which the employee is transferring; in which event, the employee's salary shall be increased to the minimum rate for the class in the new department or division. When an employee is transferred between departments or divisions to a job of lower classification, the salary rate of the employee will be established within the range of the new classification by the appointing authority. Employees transferred to a different department begin a new period of 6 month's introduction.

6.11.2 Promotion

When an employee is promoted from a position in one class to a position in another class having a higher maximum salary rate, the salary rate of the promoted employee shall be increased to the minimum of the new range. The appointing authority, with the consent of the City Administrator, may establish a salary rate for the employee that is higher than the minimum wage for the class, so long as there are sufficient resources within that department's adopted personnel budget. The employee shall begin a new period of 6-month introduction.

6.11.3 Demotion

In the event an employee is demoted, the salary of a demoted employee will be determined by the Department Head or City Administrator and will be within the pay range of the position to which the employee is demoted.

6.11.4 Pay Anniversary Date

Upon promotion or demotion, an employee's pay anniversary date will be changed to the date of the promotion or demotion.

6.12 Reclassification or Reevaluation:

If a position is reclassified to a higher salary range or the salary range for an established classification is reevaluated to a higher maximum rate, the incumbent employee's comparative salary within the new range shall be changed only if it is below the minimum salary for the new range. If the reclassification is to a lower salary range or the reevaluation is to a lower maximum rate, the incumbent employee shall retain his or her present salary, and such employee shall not be eligible for further increases until his or her salary is again within the new salary range. This decision is up to the discretion of the City Administrator.

6.13 Pay Differential

The City Administrator, at his/her discretion, may approve a pay differential, not to exceed 4% for a period not to exceed three (3) months duration, to personnel subject to exceptional pressures, requirements, responsibility and demand for performance due to significantly increased duties over and above those normally associated with the employee's position. The City Administrator, pursuant to this subsection, shall approve no pay differential until after review and concurrence by the employee's Supervisor

6.14 Overtime and Compensatory Time

6.14.1 General Provisions

General (non-Public Safety) non-exempt employees, except as provided herein, who work in excess of forty (40) hours per week shall be paid overtime at the rate of one and one-half (1 1/2) times the employee's regular hourly rate, or compensatory time off work equal to the overtime payment, for each hour worked beyond 40 in a week. Employees will be paid overtime unless the employee elects to receive payment in the form of compensatory time off. If an employee works a holiday, is unable to take it off at a later date, and is then paid for the holiday, that pay shall not be counted as work. The workweek starts at 12:01 A.M. Monday and ends at midnight, Sunday night. Work shall not include vacation, holidays, sick pay, compensatory time off or jury duty. Failure to obtain prior supervisor approval for hours worked in excess of 40 hours in a work week may be cause for disciplinary action. Supervisors have the authority to adjust an

employee's work schedule in order to avoid overtime. An employee shall not be allowed to exceed more than eighty (80) hours of accumulated compensatory time except upon written request and approval by the City Administrator. Overtime work, for the non-exempt employee, which would result in compensatory time above the eighty (80) hour limits, shall be paid at the employee's overtime rate. Upon termination, an employee shall be paid for all compensatory time accumulated.

6.14.2 Exempt Employees

Exempt employees are not eligible for overtime or compensatory time. It is understood that exempt employees shall work the hours necessary to assure the satisfactory performance of their departments and as governed in the Fair Labor Standards Act.

6.14.3 Public Safety Employees

Work by non-exempt Public Safety personnel in excess of their regular hours of work as established in Section 7.1 of this manual shall be considered overtime. Police and Fire Personnel will be paid one and one-half times the employee's regular rate for hours worked in excess of those specified by department policy in compliance with Section 29 CFR 553.230 (§207 (k) of the Fair Labor Standards Act).

6.14.4 Compensatory Time Option:

All new employees hired by the City shall advise the City in writing as to whether or not they desire an agreement related to compensatory time off as opposed to overtime pay.

6.15 On-Call Payment, Call Out and Court Time Payments

6.15.1 On-Call Payment

The City will compensate non-exempt employees that are periodically required to be on-call and are designated within their department as being on-call, with two hours of regular pay for each full week (seven consecutive calendar days) of on-call duty. Being on-call requires that the employee be reachable by telephone or page and be able to respond to afterhours service within 30 minutes of being summoned. On-call status is not considered work time. Management will make every effort to make employees aware of their on-call status well in advance so that it provides minimal interference with personal pursuits. On-call status will be rotated amongst employees so that no employee is overburdened. Employee requests to volunteer for on-call status will be considered.

In establishing on-call duty the Department Head shall document the need by describing circumstances whereby life and or property are threatened. The following criteria shall be utilized to determine whether or not on-call duty is appropriate:

- a. An anticipated emergency situation exists, and there is a high likelihood that the emergency will occur.

- b. The situation is expected to exist for an extensive period of time.
- c. The situation is outside normal working hours.
- d. Overtime, compensatory time and call back will not adequately address on-call periods.

The City Administrator shall determine the number of on-call positions needed.

6.15.2 Call Out Payment

All employees who have completed their regular work schedule and left their normal place of work and who are called back to perform unscheduled emergency work, shall be compensated for not less than two (2) hours at a rate of time and one-half. Department supervisors will make the determination on whether work being performed meets the Call Out stipulated guidelines. After an employee has been called out under the above stipulated guidelines, that employee shall receive no additional compensation for any additional call within that stipulated two (2) hour time period beginning with the original call out. All hours worked under the above stipulated Call Out guidelines shall be paid at a rate of time and one-half. Employees who are called to work less than one hour before the beginning of their normal work schedule do not qualify for the minimum two-hour (2) payment. Pay for call in begins at the time the employees arrive at the work site. Only hours actually worked will be counted for determining eligibility for overtime compensation. The City will pay no meal allowance.

6.15.3 Court Time Payment

Any employee required to appear in court arising from your position with the City, shall receive his/her regular rate of pay and be granted time to appear.

6.16 Payroll Deductions

Deductions approved by the City Administrator will be made from an employee's paycheck upon written authorization by the employee or a court order and will continue until a written request/statement that such deductions cease.

6.17 Employee Benefits- Premium Only Benefit Plan (Section 125 Internal Revenue Code)

6.17.1 Purpose and Allowed Deduction on a Pretax Basis

The purpose of providing employees benefits through Section 125 is to allow them to make pretax payroll deductions for the purpose of paying premiums on insurance products. The City will allow an employee to make pretax deductions from their payroll check to be applied toward the following insurance benefits through the plan:

- a. Health Insurance- including premiums and contributions to a flexible spending account and contributions to a health savings account

- b. Dental Insurance
- c. City-sponsored Supplemental Insurance (i.e. Aflac products)
- d. Vision

6.17.2 City's Contribution to Employee Benefits

Regular full-time employees of the City shall be eligible for life, major medical, vision, dental and disability insurance provided by the City. The City may pay for a portion, or contribute to, the employee insurance benefits as determined by the enacted budget. The City may also pay for a portion, or contribute to, insurance benefits for the employee's spouse, dependent, and or family as determined by the enacted budget. The employee shall pay insurance premiums not paid by the City. For employees who enroll in these programs, the effective date of coverage shall be the first day of the calendar month following employment unless starting on the first day of the month at which time coverage is immediate. The lookback period the City observes for the Affordable Care Act (ACA) is the 12 month period that runs a calendar year, January 1 to December 31.

- a. The City will contribute any unused portion of the City's contribution to major medical and vision insurance premium payment to that employees Health Savings Account for an employee enrolled in the High Deductible Health Plan.
- b. Employees may elect not to use the City's insurance benefits by showing proof of similar coverage through another source. Notwithstanding the foregoing an employee may request a waiver from this requirement from the City identifying the specific reason for the request.
- c. The City will not contribute funds to any insurance benefit that is not provided by the City.
- d. During authorized leave of absence with pay, the coverage shall be continued. Employees will be responsible for paying their own health, life and dental insurance while on approved leave of absence without pay in excess of one week unless on approved FMLA or military leave.

6.18 Traveling/Training Expense Reimbursement Policy

6.18.1 Purpose

The purpose of this policy is to establish a uniform procedure for reimbursing City officials, officers and employees for travel and related expenses incurred while carrying out official duties, conducting City business, or attending professional conferences and training courses.

6.18.2 Definitions

"Expenses" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City.

“Employee” shall include all persons employed by the City and all elected and appointed officials of the City, including members of the Board of Aldermen and all Boards and Commissions of the City when such members are acting in their official capacity.

6.18.3 Allowable Expenses

Expenses for which an employee may receive a travel advance or reimbursement when traveling as an official representative of the City shall include:

- a. Transportation - The mode of transportation should be selected based on the distance, costs, time involved and the purpose of the trip. Before a travel expense may be reimbursable, the method of travel must be pre-approved by an employee’s Supervisor. Whenever practicable, the least expensive form of transportation should be used. If a city vehicle is available and the employee decides to take their own vehicle, the city will not pay for mileage. Air transportation expenses must be supported by documentation, which reflects the destination, dates of travel and cost. Mileage for personal owned vehicles will be paid at the current year Internal Revenue Service Standard Mileage Rates as published.

The employee, with prior approval, may use his/her personal vehicle in lieu of air transportation. The employee will either receive: (1) the “cash equivalent” for use of his/her personal vehicle; the “cash equivalent” will be based on the lowest airfare in effect 30 days prior to the employee’s departure date; or (2) will be reimbursed at the mileage rate established annually by the City Administrator, whichever is less. The City will consider mileage to be from city hall to the destination (and back) based on the shortest route.

The City is not liable for damage to an employees’ private/personal vehicle that is used for city business.

The rental of a vehicle from a private agency will be reimbursed if it is necessary, justified, approved in advance and is used for a specific period of time (when neither City nor personal vehicle is used). Employees are expected to rent the smallest sized vehicle to meet their needs and they will not be reimbursed for personal use, i.e., sightseeing. The City’s insurance policy will cover the employee’s liability and collision in a rental vehicle provided the City rents the vehicle. Most major agencies do not require additional coverage or deposits; therefore, this expense will not be reimbursed.

The use of buses, limousines or taxis should be governed by the local ground transportation available between the airport and the hotel/motel and the most economical cost and/or availability. Receipts should be obtained for these charges. Tips for taxi drivers, baggage handlers, etc., for a reasonable and customary amount, should be reported separately.

- b. Lodging- It is expected that all employees will endeavor to return to their permanent residence as soon as possible after the conclusion of the conference, business meeting or other approved trip. On one-day trips or at the conclusion of a longer trip, lodging will be reimbursed only in connection with travel, which would preclude the employee from arriving home before 10 p.m.

Employees shall stay in a hotel/motel, which is reasonably close and convenient to the place where the conference, business meeting or seminar is held and such accommodations will be modestly priced for the local market. If possible the lodging costs should be billed directly to the City or reserved by the use of the City's credit card. If this is not acceptable, then the costs should be paid directly to the vendor by having the Finance Department issue a check prior to the employee's departure. Lodging costs will be based at the "one person, one bed" rate and must be supported by receipts. The individual shall pay any additional charges due to a guest, such as a spouse, staying in the room. Whenever available, the lower government rate or conference rate must be used.

- c. Meals - The cost of all meals while on official City business will be reimbursed to a maximum established by the U.S. General Services Administration (GSA).

It is expected that employees will exercise good judgment when dining and such meals should generally meet the same standards as if the employee were bearing the cost. All meal costs must be supported by itemized receipts. The employee will not be reimbursed for any alcoholic beverages.

For travel beyond the local area (i.e., greater than a 50-mile radius from Harrisonville), reimbursement will be made on the following basis: (1) When travel commences before 7:00 am, breakfast will be reimbursed; (2) When travel extends over the period 12 noon to 1:30 p.m., lunch will be reimbursed; and (3) When travel ends after 6:00 p.m., dinner will be reimbursed.

When deemed appropriate by the Supervisor, meal costs for local training may be eligible for reimbursement but must be approved by the City Administrator prior to incurring the expense.

- d. Registration Costs - Conference registration costs will be paid directly to the sponsoring institution. The request for payment submitted to the Finance Department should include a copy of the completed registration form. Pre-registration is required whenever possible, especially if this results in a reduced rate. Cancellations are to be made as soon as possible in order to obtain the maximum refund. Entertainment type activities that are included as additional registration fees are the individual's responsibility.

- e. Other Reimbursable Expenses - All telephone, fax and postage costs incurred during the travel, which are necessary for City purposes, are reimbursable. The employee should use the most economical means of communication. One personal long-distance telephone call per day to home will be allowed; however, such calls should be made when lower evening rates are in effect and should be reasonable in length unless an unusual circumstance justifies an exception. These charges should be so noted on the lodging bill if made from the hotel. If the call is made using a personal calling card, the employee should submit a copy of his/her personal telephone bill as documentation. Phone calls charged on the City telecommunications charge cards or made from a City cellular phone are billed directly to the City; therefore, no reimbursement should be requested.

Parking and toll fees for business activities - receipt required; fuel when driving a city vehicle - receipt required; car washes in a reasonable amount; laundry for extended leaves lasting longer than five days - receipt required; valet parking - receipt required; money orders or travelers checks purchases - receipt required.

- f. Miscellaneous – The reimbursement of expenses not discussed herein, or not approved prior to being incurred will be at the sole discretion of the City Administrator.

6.19 COBRA

The City's COBRA plan is administered by an outside agency. Upon electing to participate in one of the City's health plans, each employee will be notified by mail about his/her COBRA rights. If an employee experiences a COBRA qualifying event, he/she will be sent a more detailed notice and application for continuation of benefit coverage. In the event of an employee's divorce or a dependent ceasing to be eligible for dependent coverage, the Human Resources Department must be notified within thirty (30) days.

Additional information about COBRA is available from the Human Resources Department. If you have any concerns that your rights are not being protected, contact the Human Resources Department immediately.

6.20 Retirement Plan

All qualified regular City employees shall be members of the Missouri Local Government Employee Retirement System (LAGERS).

6.21 Travel Time Compensation

The City will compensate an employee for travel time in accordance with the Fair Labor Standards Act.

6.22 Vacation Combined with Official City Travel

Employees wishing to combine a vacation by private vehicle with business or conference trip must have their Supervisor's approval, or where appropriate, the City Administrator's approval.

6.23 Travel Advances

Travel advances should be limited to those items which cannot be prepaid, such as meal costs, transportation costs and for projected expenses which would pose a financial burden to the employee. Requests for travel advances must be approved by the Supervisor and submitted to the Finance Department. The Finance Department may then advance payment of projected expenses if the projected expenses to be incurred by particular employees would pose a financial burden on such employees. If such advance is authorized, then the voucher for the expenses actually and necessarily incurred and the balance of the advance remaining (if any) shall be submitted to the Finance Department according to the procedure established herein for expense reimbursement. Employees shall not be given a travel advance unless all prior travel expense vouchers have been submitted and approved.

6.24 Procedure

Any employee incurring an expense and seeking reimbursement shall prepare, on a form provided by the Finance Department, a voucher of such expenses which has been certified by the employee as being true and accurate. The voucher shall be submitted to the Supervisor for review and approval, unless otherwise provided herein. The employee shall be reimbursed only for those expenses, which have been properly incurred. The City Administrator shall submit his/her vouchers to the Mayor for approval.

The City Administrator shall approve all Travel Expense Reports.

Each Supervisor shall be responsible for ensuring that expenses incurred for travel and training by employees under his/her supervision are essential to their functions and expenses are reasonable and justified. In order to maintain cost control, the Supervisor shall approve, in advance, each proposed trip or activity; review and approve all expenses reported for reimbursement in accordance with the specific provisions outlined below; and review and evaluate these expenses as a guide for future authorization.

The City reserves the right to perform an audit of any expenses submitted by an employee for reimbursement. The Finance Department has the responsibility for performing such audits from time to time. Any findings of misrepresentation will be forwarded to the City Administrator and Supervisor for appropriate action.

It is the responsibility of the Director of Finance or his/her designee to ensure full compliance by all employees with the procedures set forth in this policy; have all expense reports reviewed for mathematical accuracy, required receipts and authorized approval; review reported expenses for reasonableness and to make inquiries as deemed appropriate; and return all expense reports that

are not in compliance with this policy or that require additional documentation, to the responsible individual for appropriate action/response.

Employees are required to submit vouchers and any other expense reports within five (5) days of the completion of any business trip or activity along with a copy of the conference agenda or class agenda.

6.25 City-Owned Vehicles

If a City vehicle is available for the purpose of conducting official City business the employee is required to use that vehicle. Employees may be permitted by a Dept. Head to use a private vehicle for conducting official City business if a City vehicle is not assigned or available in their department. All employees who drive City vehicles or personal vehicles on City business, are expected to exercise due diligence in driving safely and adhere to all local, state, and federal laws, as well as this Personnel Policy. Specifically, users of City vehicles must comply with the following:

- 6.25.1 Any person operating a vehicle on official City business must obey all applicable local, state, and federal laws relating to the lawful operation of a motor vehicle, including the use of seat belts.
- 6.25.2 Ensure the security of all vehicles and contents of vehicles. Keys must be removed from the vehicle while not in use and the vehicle locked. Any confidential documentation or information contained in the vehicle must be removed and secured as well. Employees must immediately report any accident, theft or malicious damage involving a City vehicle to their supervisor or Department Head, regardless of the extent of damage or lack of injuries. The supervisor or Department Head will be responsible for reporting the incident to the City Administrator.
- 6.25.3 Cell phone use is prohibited (phone, text, or any other available service) while operating a City vehicle or while operating any vehicle while on City business.
- 6.25.4 The City Administrator or Department Head must provide prior approval before a City vehicle may be used. Individuals are required to inform their supervisor or Department Head of anything that may affect either their legal or physical ability to drive or their continued insurability.
- 6.25.5 Employees who drive a personal vehicle on City business must, in addition to meeting eligibility requirements previously mentioned in this policy, carry liability insurance and ensure that their personal vehicles meet all state and legal standards for maintenance and drivability. The City does not provide primary automobile insurance for personal vehicles. Employees are also responsible for any driving infractions or fines as a result of their driving.

- 6.25.6 Only employees and other individuals directly involved in the conduct of City business shall be permitted to ride in a City-owned vehicle. In certain situations, with the approval of the City Administrator, exceptions to this policy may be made for law enforcement. Under no circumstances may anyone other than an authorized City employee be allowed to operate a City-owned vehicle.
- 6.25.7 Any traffic violation, parking ticket, or other fine or violation will be the sole responsibility of the employee.
- 6.25.8 The City reserves the right to review annually or anytime deemed necessary the Motor Vehicle Record of any employee authorized to operate a City vehicle or a personal vehicle while conducting City business.
- 6.25.9 All City-owned vehicles except those used by the police department and City Administrator, Public Works Director, and Emergency Services Director will be left at their "base" location after hours and during weekends. Exceptions may be approved by the City Administrator if necessary.
- 6.25.10 Vehicles are not to be taken out of the City limits unless on official City business or as approved by the Supervisor or City Administrator.

6.26 Longevity Pay

The City would like to congratulate and honor regular full-time employees that have served an extended amount of time with the City. After ten years of service, the City employee will receive \$400 a year. After fifteen years, an employee will receive \$600 a year. After twenty years, \$800 a year will be received and after twenty-five years or more \$1,000 a year. For the determination of Longevity Pay, years of service shall be determined on the anniversary of an employee's appointment date to a full-time position. Longevity payments will be received annually with the first payroll of December. The Longevity payment received in December will reflect the number of years of service achieved during the calendar year. Should an eligible employee leave the City's employment after the anniversary of their appointment date to a full-time position but prior to the first payroll in December, the employee will receive their longevity pay with the final payroll check.

Additionally, in recognition of continuous and faithful years of service, employees will be recognized with a certificate of appreciation and will be given the opportunity to order a gift. The cost of the gift is determined by years of service as follows:

- 6.26.1 Ten (10) years of service \$30
- 6.26.2 Fifteen (15) years of service \$40
- 6.26.3 Twenty (20) years' service \$50

6.26.4 Twenty (25) years of service \$60

6.26.5 Thirty (30) years of service or more \$75

6.27 Tuition Assistance

It is the policy of the City to encourage employees to increase their education as it relates to their job responsibilities with the City. This policy sets out the guidelines for reimbursement of tuition expenses incurred by employees.

Any regular employee who wants to take an educational course or courses that pertain to his or her employment with the City may apply for tuition reimbursement, subject to the following conditions.

- 6.27.1 The educational course must relate to the employee's employment with the City. The city reserves the right to determine the value and relevance of the requested course to the employee's employment with the City.
- 6.27.2 The educational course must be approved in advance by the employee's department director and the City Administrator.
- 6.27.3 Reimbursement will be made up to \$1,200.00 for any one employee in any one calendar year.
- 6.27.4 The educational course must be given by an accredited degree-program college or university.
- 6.27.5 Reimbursement of tuition expenses will be made only upon completion of the course with a grade of "C" or better. Books, lab fees and other expenses are not reimbursable.
- 6.27.6 Reimbursement will be made only for tuition expenses actually paid by the employee. Tuition paid by grants, scholarships, military education programs, or other sources of funding which the employee is not required to repay will not be reimbursed.
- 6.27.7 The request for reimbursement must be made on a form provided by the City, which will include an agreement by the employee to reimburse the City the tuition expenses paid by the City should the employee separate from employment with the City for any reason at any time within twelve months from the date of completion of the course. Said form will also include the employee's consent to withholding of monies from the employee's final paycheck to be applied to the tuition reimbursement.

SECTION 7

HOURS OF WORK AND LEAVE7.1 Hours of Work

The regular hours of work for regular employees of all City departments, shall be as follows:

	Hours in Work Period	Days in Work Period
Office, Public Works, Parks, Animal Control, Dispatchers	40	7
Emergency Services (Fire/EMS)	24 hour shifts, 96 or 120 hours	14
Police	84	14

7.1.1 Lunch Period

Each general employee will take a one-hour lunch period during his/her shift. Each emergency service department employee shall take lunch periods in accordance with department policy.

7.2 Attendance

Regular attendance and punctuality is required of all City employees. Absenteeism and tardiness place a burden on other employees and may delay citizens in the transaction of business with the City.

Any employee who is unable to report to work as scheduled, must advise his Supervisor as soon as practicable.

An employee who fails to observe attendance requirements or procedures for recording and reporting of attendance may be subject to disciplinary action up to and including termination of employment.

Supervisors may authorize time off. Each Supervisor shall keep daily employee attendance records, which shall be reported to the payroll department by 10:00 a.m. on Mondays. If Monday is a holiday, Supervisors shall submit the records to payroll the next regular work day by 10:00 a.m. A leave request shall be prepared and approved in advance and forwarded to the payroll department by the Supervisors for the affected employee's absence including vacation, holiday, personal hours, compensatory time and other approved absences.

7.3 Holidays

7.3.1 General Provisions

All regular employees (whose shifts are less than 24 hours) shall receive normal compensation for eleven (11) legal holidays listed in this section, provided the employee works the last regularly scheduled work day prior to and following the recognized holiday. With regard to holiday pay, the utilization of accrued leave or jury duty will be considered time worked, though proof of incapacity or sick leave may be required by the Supervisor and the City Administrator.

The eleven City holidays are:

New Year's Day	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Holiday
Labor Day	

Whenever one of the designated holidays falls on Sunday, the following Monday shall be observed as the holiday; whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Temporary, part-time, seasonal and reserve employees are not eligible for holiday pay. Regular part-time employees will receive holiday pay in proportion to their part-time schedule if the holiday falls on their regular scheduled work day.

The schedules for the two Christmas Holidays are as follows

<u>If Christmas is on:</u>	<u>Days Off Are:</u>
Sunday	Monday and Tuesday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Tuesday and Wednesday
Thursday	Thursday and Friday
Friday	Thursday and Friday
Saturday	Thursday and Friday

7.3.2 Employees Required to Work on Holidays

Employees who are required to work a full shift on a holiday, or whose regular day off falls on a holiday, with the exception of fulltime police and emergency services employees, may be given another day off in observance of the holiday. Employees who are police shall receive holiday pay of 12 hours straight time and emergency services shall receive 24 hours of straight time.

Said holiday must be taken within ninety (90) days and must be taken as an entire workday unless the option to receive pay for the holiday has been chosen. An extension may be granted by Supervisor & City Administrator should circumstances, related to duty, prevent an employee from taking the holiday within 90 days. Employees responding to call-out on a holiday are subject to normal overtime provisions or compensatory time.

7.4 Vacation Leave

7.4.1 Generally

All regular full-time employees in the municipal service shall receive 1/26 of annual accrued vacation leave credit on each bi-weekly check. Regular part-time shall be eligible for vacation time equivalent to their yearly budgeted part-time hours divided by 52 but shall not be allowed such time until after 1 year of employment. Vacation time may not be accrued beyond 1 year for regular part-time employees.

7.4.2 Vacation Accrual

All regular full-time employees of the City shall accrue vacation leave credit to the following annual maximums:

<u>Years of Continuous Service</u>	<u>Accrued Hours Per Pay Period</u>	<u>Total Annual Hours</u>
<u>40 Hour Work Week and Police Dispatchers</u>		
1 through 5	3.08	80
6 through 15	4.62	120
Over 15	6.16	160
<u>Police Department Employees with 84 Hour Work Period</u>		
1 through 5	3.24	84
6 through 15	4.85	126
Over 15	6.47	168
<u>24 Hour Shifts, 96 or 120 hours</u>		
1 through 5	4.31	112
6 through 15	6.47	168
Over 15	8.62	224

Accrual each year shall start with the first full month following the employee's hire date.

7.4.3 Holidays Observed During Scheduled Vacation

Said holiday shall be counted as a holiday and not a vacation day.

7.4.4 Vacation Leave

Vacation leave shall be taken during the year it is accrued or during the year following its accrual except as stated in Section 7.4.5. Annual vacation leave accrued for employees shall not exceed the maximum allowed at the end of the fiscal year.

At the end of the City's fiscal year, employees having more than the allowed accrued hours will lose those excess hours.

7.4.5 Vacation Scheduling

A regular full-time employee may take no vacation leave until he/she has been in the service of the City continuously for a period of six (6) months. Supervisors shall schedule vacation leave with regard for operating requirements, seniority of employees, and insofar as possible, with the request of the employee. An employee should request vacation time as soon as possible. Unless special circumstances exist, vacation time should be requested two weeks prior to vacation time being used and no less than (forty-eight) 48 hours prior to desired time off.

7.4.6 Effect of Employee's Termination

Employees who are separated from the City service shall be compensated for vacation time accrued up to the date of separation, to the maximum accruals stated in Section 7.4.2. Accrued vacation time compensation will only be given to those employees who provide two (2) weeks written notification. This requirement may be waived at the sole discretion of the City Administrator. This compensation will be at the employee's pay rate at the time of termination. The City Administrator shall deduct from any ordinary vacation pay any sums which such employee may owe to the City, and such employee shall be entitled to receive only the amount of such vacation pay, less the amount of such deduction.

7.4.7 Pay in Lieu of Vacation

Pay in lieu of vacation will only be granted when the Supervisor and City Administrator affirm that the employee cannot take vacation without jeopardizing the City's services.

7.5 Personal Leave Hours

All regular fulltime employees will be granted personal leave hours, per year, as follows:

<u>Hours in Work Period</u>	<u>Personal Leave Hours</u>
40	8
84 and Police Dispatchers	12
24 Hour Shifts, 96 or 120 hours	24

Hours will be credited on January 1st each year and cannot be carried over to the next fiscal year. Personal hours may only be granted in one-hour increments. Personal hours shall be prorated quarterly for all new hires.

7.6 Sick Leave

7.6.1 General Provisions

All regular full-time employees in the City shall earn sick leave credit on a monthly basis for each calendar month actually worked. Employees working a 40-hour work week, and Police Dispatchers, shall accrue sick leave at the rate of 3.70 hours per pay period; employees of the Police Department on an 84-hour work period shall accrue 3.88 hours per pay period; and employees working a 24 hour (96 or 120 hours work period) shift shall accrue sick leave at the rate of 5.54 hours per pay period. New employees shall begin accruing sick leave on the first day of the pay period following their employment. The maximum amount of sick leave that may be accrued shall be as set out below:

<u>Hours Work Period</u>	<u>Maximum Sick Leave Accumulation</u>
40 Hours and Police Dispatchers	960 Hours
Police Department Employees with 84 Hour Work Period	1008 Hours
24 Hour Shifts, 96 or 120-hour work period	1440 Hours

7.6.2 Use of Sick Leave

Sick leave may never be taken in advance of earning the time. Use of accrued sick leave may be taken only for pre-scheduled medical and dental appointments for an employee, his/her spouse, children, step-children, parents, or any other person they may be legal guardian of, or actual illness or disability to him or herself, to his/her spouse, children, step-children, parents or any other person they may be legal guardian of. Sick leave must be called in for verbal approval from the Supervisor and written request for such leave must be submitted on the next work day following the absence. An absence due to sickness, injury or disability in excess of accrued balance shall be charged against compensatory time accrued, vacation time accrued, personal leave or leave without pay, in that order.

At the time an employee retires, the employee will receive one day of earnings, at the employee's current rate, for each five (5) days of total accumulated unused sick leave. Upon employee leaving employment with the city, but not retiring, and having given two-weeks' notice of leaving, after 5-10 years of employment, he/she will receive one day of earnings, at the employee's current rate, for each 12 days of total accumulated unused sick leave. After 11+ years of service, an employee will receive one day of earnings, at the employee's current rate, for each 8 days of total accumulated unused sick

leave. Sick leave shall not be granted during the last two (2) weeks of an employee's tenure. Any absence during the last two (2) weeks will be charged to compensatory time, vacation or leave without pay, in that order. Terminated employees are not eligible for compensation for sick leave.

On an annual basis, in January, employees who have used no sick leave during the preceding 12 calendar months may elect to convert those sick hours accrued during the prior calendar year that are in excess of 500 hours. The conversion schedule will be one (1) hour of earnings at the employee's then current rate, for each three (3) hours of unused sick leave accrued that year. Maximum annual amount eligible for conversion shall be:

<u>Work Week</u>	<u>Maximum Conversion Allowed</u>
40 Hours and Police Dispatchers	96 Hours
Police Department Employees with 84 Hour Work Period	100.8 Hours
24 Hour Shifts, 96 or 120-hour work period	144 Hours

Hours donated according to sick leave donation policy shall not be counted as "sick leave used" as defined in this sick leave conversion policy.

7.6.3 Absence Verification

When absence is for three (3) consecutive work days or more, or for more than one 24-hour shift, the employee will be required, before returning to work, to file a written statement by a physician certifying that the employee's condition prevented him/her from appearing for work. Or, in the case of caring for a child, spouse, or parent, that the employee was needed to care for the child, spouse, or parent. The employee will provide verification of absence to his/her Supervisor by the start of their regular workday.

7.6.4 Abuse of Sick Leave

If it appears that an employee may be abusing sick leave, the employee will be counseled that continued abuse of sick leave will result in a requirement to furnish a medical certificate for each subsequent absence of sick leave, regardless of duration. If the abuse of sick leave continues, the employee may be notified in writing with a copy to the City Administrator that for a stated period, all future requests for sick leave must be supported by a medical certificate certifying the incapacitation from duty and the duration of the incapacitation prior to the sick leave being approved.

Employees may be required to furnish a medical certificate for each absence of sick leave which occurs immediately before or after a paid holiday, or before or after a weekend or

other period when the employee is not required to work. The request for a medical certificate can be made either before or after the employee's return to work. An employee who abuses sick leave will be subject to disciplinary action up to, and including, termination.

7.6.5 Sick Leave Donation Policy

In the event that an ill or injured full-time City employee has exhausted all sick leave, accrued vacation, accrued holiday and any accumulated compensatory time, he/she may be eligible for a donation of sick leave from any full-time employee of any department.

The donating employee must have at least one year of full-time service with the City. An employee is permitted to donate his/her sick time to any employee who is in the same pay classification or lower. Employees may not donate to a Department Head or an individual with supervisory authority over such employee.

Any donated sick leave hour must have been accrued in prior calendar years.

An employee will not be permitted to donate his/her sick time if doing so would result in that employee's accrued sick leave balance being reduced below 96 hours and the accrued vacation leave balance being reduced below 120 hours..

The ill or injured employee is eligible to receive sick leave donations until he/she reaches his/her 91st consecutive day of leave, or until disability insurance benefits are received. The employee receiving the donation will be credited with one hour's compensation at the employee's normal rate, for each hour donated to and used by the employee. Any hours donated will be deducted from the sick/vacation leave time available by the donating employee.

An employee may not donate sick/vacation leave to an ill or injured employee who is actively working.

Donated time must be in increments of four (4) hours. Names of individuals donating leave will remain anonymous.

Donated sick/vacation leave will be distributed at the time the donation is made. Once sick/vacation leave has been donated the hours will be given to the ill or injured employee and not returned to the donating employee.

Sick hours donated shall not be counted as "use of sick leave" as defined in the sick leave conversion policy in Section 7.6.2.

Employees needing to utilize the policy will contact the Human Resource Department to initiate the process. Information will be distributed throughout the organization that the employee is initiating the policy. Those employees that are interested in donating some

of their sick/vacation leave to an employee in need should contact the Human Resources Department.

7.7 Family and Medical Leave Act/Military Family Leave

To qualify for Family and Medical Leave or for Military Leave, an employee must have worked at least 1250 hours in the twelve (12) months immediately preceding a leave request. The employee must have also worked for the City for at least one year. If you have questions regarding your eligibility, contact the Human Resource Personnel.

7.8 Family and Medical Leave

Qualifying employees will be granted up to twelve (12) weeks of unpaid leave during a twelve (12) month period based on a rolling calendar year for a child's birth, adoption or foster care arrival. Leave may also be granted to care for a spouse, parent or child with a serious health condition, or for an employee's own serious health condition which prevents the employee from performing the functions of his or her position. A serious health condition may include any illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or a condition which renders the employee unable to work for at least three days and requires continuing treatment by a health-care provider.

** Questions regarding an employee's eligibility for family and medical leave should be directed to the Human Resources Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resources Department for information.

7.9 Military Caregiver Leave

The City will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered service member is also a veteran who is undergoing medical treatment, recuperation or therapy for a serious illness or injury and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

A serious injury or illness is one that was:

- (1) incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating;

- (2) incurred by the covered service member before the member's active duty and was aggravated by service in the line of duty while on active duty; or
- (3) incurred in the line of duty while on active duty, or which existed prior to the active duty but was aggravated by service in the line of duty while on active duty, and that manifested itself either before or after the covered service member became a veteran.

****** Questions regarding a military caregiver's eligibility for family and medical leave should be directed to the Human Resource Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resource Department for information.

7.10 Military Exigency Leave

The City will grant an eligible employee up to 12 work weeks of unpaid leave during a single 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the regular Armed Forces.

Qualifying exigencies may include: issues arising from a covered military member's short-notice deployment, military events and related activities (such as official ceremonies or programs), certain childcare and related activities arising from the call to active duty, making or updating financial and legal arrangements to address a covered member's absence, attending counseling provided by someone other than a health care provider, spending time (up to five days) with a covered military member who is on short-term, temporary rest and recuperation leave during deployment, attending to certain post-deployment activities such as arrival ceremonies, reintegration briefings and events, addressing issues arising from the death of a military member, and any other event that the employer and employee agree is a qualifying exigency.

****** Questions regarding an employee's eligibility for military exigency leave should be directed to the Human Resource Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resource Department for information.

7.11 Use of Paid Leave

Employees are required to exhaust all accrued compensatory time, personal leave, sick leave and vacation leave prior to receiving unpaid leave. In other words, employees are required to utilize their accrued leave concurrently with their unpaid leave. Once an employee has

exhausted his/her accrued compensatory time, personal leave, sick leave and vacation leave, the remainder of the employee's FMLA leave will be unpaid.

7.12 Notification/Certification

There are both notification and certification requirements for both family and medical and military family leave. An employee should consult the Human Resource Personnel with regard to the specific requirements applicable to the type of leave sought. Inquiries brought to a supervisor or Department Head regarding FMLA, including eligibility, notification and/or required certification, should be brought to the attention of the Human Resource Personnel.

7.13 Benefit Coverage During Leave:

During a period of family and medical leave, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before leaving. Failure of any employee to pay his or her share of the health insurance premium may result in loss of coverage. The employee shall contact the Human Resources Department to discuss payment procedures for health insurance and other payroll deductions.

If the employee fails to return to work after the expiration of the family leave, the employee will be required to reimburse the City of Harrisonville for payment of health insurance premiums during the family leave, unless:

- (1) the employee utilized accrued leave during his/her absence or;
- (2) circumstances beyond the employee's control;
- (3) the employee does not return due to the continuation, recurrence or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to FMLA leave.

Accruable time (i.e., sick leave, vacation, personal, holiday) shall discontinue accruing and all the benefits, excluding health insurance (which shall be paid for 12 weeks), shall discontinue being paid by the City when an employee on family leave exceeds one month of unpaid leave. An employee who takes family and medical leave will not lose any seniority or employment benefits that accrued before the date leave began (excluding accrued time substituted for family and medical leave).

7.14 Extending Leave:

If an employee, who is on Family and Medical Leave, sees that he or she is going to have to extend the length of his/her absence from work due to continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child or parent, he/she must submit a request for extension, in writing, to the employee's immediate supervisor and the City's Human Resources Department. This written request should be made as soon as the employee realizes that he or she will not be able to return at the

expiration of the leave period. A medical certification, of the need to extend the leave has to be provided by a health care provider.

7.15 Return from Leave:

An employee must complete a “Notice of Intention to Return from Leave” before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family and medical leave of absence, notification must be given to the employee’s supervisor and the City’s Human Resources Department at least five (5) working days prior to the Employee’s planned return.

7.16 Restoration to Employment:

An employee eligible for leave under the Family Medical Leave Act will be restored to his or her old position or equivalent position.

An employee who fraudulently obtains family or medical leave from the City of Harrisonville is not protected by the Family and Medical Leave Act for job restoration or maintenance of health benefit provisions.

7.17 Failure to Return from Leave:

The failure of an employee to return to work upon the expiration of a family and medical leave of absence will subject the employee to immediate termination unless an extension is granted as soon as possible.

7.18 Military Leave of Absence

The City will comply with all state and federal laws pertaining to leave for military purposes.

7.19 Modified Duty

7.19.1 Policy Statement

It is the policy of the City of Harrisonville, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. (Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 or any subsequent revision.)

7.20 Scope

This policy applies to all administrative, court, police, fire/EMS and public works employees.

7.21 Eligibility:

7.21.1 Temporarily unable to perform his/her essential duties, following an employment related injury or illness; and

7.21.2 Capable of carrying out work of a modified nature from his/her regular duties and is expected to return to his/her regular duties within 90 calendar days.

7.22 Process

7.22.1 Once notified of an on-the-job injury or illness, the department shall contact Human Resources who shall inform the employee in writing of the Modified Duty program.

7.22.2 The employee must be seen and evaluated by his/her physician to determine if the employee is able to return to work, and if so, with or without restrictions. At the time of the evaluation, the employee must inform the physician of the availability of Modified Duty.

7.22.3 When the employee is able to return to work with restrictions, the employee's physician shall submit his/her evaluation form, indicating the specific restrictions, and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.

7.22.4 Taking into consideration the information provided by the physician, the employee's department, in consultation with the city administrator, will determine

if a temporary Modified Duty assignment can be offered. It should be understood that there may be instances in which the city will not be able to offer a Modified Duty assignment. If the employee's regular department is unable to meet the employee's need for Modified Duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a Modified Duty position in a different department which has been able to meet the employee's need for Modified Duty.

7.23 Compensation

In most cases, there will not be an adjustment in the compensation of the employee that is placed in a Modified Duty position. However, the employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.

7.24 Offer of Modified Duties Position

Once the employee has been approved to participate in the Modified Duty Program, the city must provide a Modified Duty job offer letter. This letter shall include:

1. The position offered.
2. The location and duties of the position offered.
3. The wages and work schedule of the position offered.
4. The duration of the temporary work assignment.
5. A statement that the department will only assign a position/duties consistent with the employee's knowledge and skills, and will provide training if necessary.
6. A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.

7.25 Refusal of Modified Duties Offer

An employee may choose to accept or refuse the Modified Duty job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

7.26 Duration of Modified Duty

A Modified Duty offer will be extended for an initial period not to exceed ninety (90) calendar days. The duration of approved time will be based upon the information provided by the employee's physician. If the employee is unable to return to work at full duty after the initial

approved time, he/she may request a continuation of Modified Duty not to exceed a total of 90 additional calendar days in a Modified Duty capacity. An employee requesting an extension of Modified Duty, beyond the originally approved amount of time shall submit documentation to the city from his/her treating physician. This document should include what limitations continue to exist and the probable duration of those limitations from the employees physician.

7.27 End of Modified Duty

An employee who is unable to return to his/her regularly assigned duties at the end of the Modified Duty agreement may request a leave of absence through his/her department or may elect to terminate his/her employment with the city. Provided the employee has exhausted any entitlement under the Family and Medical Leave Act (FMLA), the department has the option to approve or deny the leave of absence request. If Leave Without Pay is denied, employment with the city will be terminated. If the employee believes that the condition is permanent, progressive, or chronic, the employee may pursue the Americans with Disabilities Act Accommodation Policy to determine if they are a qualified individual with a disability.

7.27.1 For Assistance:

The City Administrator is responsible for administering the Modified Duty Program in consultation with the employee's department. Questions regarding the Modified Duty Program should be directed to human resources.

7.27.2 Benefits While Disabled Due to On-the-Job Illness or Injury. During any approved disability leave of absence an employee will continue to accrue vacation and sick leave as previously outlined. Additional employee benefits that are provided by the City and are in place at the beginning of the leave will continue as long as the employee is receiving Workman's Compensation benefits from the City. Accruable time (i.e., sick leave, vacation, personal, holiday) shall discontinue accruing and all the benefits, excluding health insurance (which shall be paid for 12 weeks) shall discontinue being paid by the City when an employee's leave exceeds one month of unpaid leave.

7.27.3 Effect upon Employee's Retirement. The provisions of Section 7 concerning the separation from the service of an employee for disability shall not be deemed, in any manner, to affect any right such employee may have to apply for, or receive, disability retirement or other retirement benefits to which such employee is entitled pursuant to the Local Government Employees' Retirement System.

7.27.4 Application for Disability Retirement. Any employee who is finally determined to be permanently disabled within the meaning of this Section 7 and who does not desire and who is not eligible for employment in a different position of the City service, and who formally applies for disability retirement pursuant to the Local

Government Employees' Retirement System laws and regulations shall follow the requirements of LAGERS.

7.28 Funeral Leave

An employee may be granted, by the City Administrator, 8 to 24 hours of leave as needed in the event of death of a member of the employee's immediate family. Eight (8) hours may be granted for the death of a member of the employee's extended family. Such leave shall not be deducted from the employee's sick leave or vacation leave.

7.29 Jury Leave

An employee shall be granted leave with pay during normal working hours for required jury duty or appearance in court as a witness as a result of performing their duties as an employee of the City or litigation involving the City. The check stub for any compensation for jury duty during the time when the employee would normally be working for the City shall be turned over to the Human Resources Department and the amount will be deducted from the employee's paycheck in the following pay period.

7.30 Court Witness

When an employee is involved as a witness or a party in litigation in which the City is not a party, he/she may be granted leave without pay or may use vacation, compensatory or personal leave.

7.31 Approved Leave of Absence without Pay

Supervisors, with the approval of the City Administrator, may grant a regular full-time employee a leave of absence without pay not to exceed:

<u>Work Period</u>	<u>Number of Hours</u>
40 Hours and Police Dispatchers	160
Police Department Employees	
With 84 Hour Work Period	168
42.5 Hours	170
45 Hours	180
24 Hour Shifts	212

Leave without pay shall be granted only when it will not result in prejudice to the interest of the City. No leave without pay shall be granted except upon the written request of the employee and the approval of the Supervisor and the City Administrator. Upon expiration of a regularly approved leave without pay, the employee may be reinstated in his/her former position or one of equal status and pay. Failure on the part of an employee on leave to report promptly at its expiration shall be considered to be a voluntary resignation. Employees granted leave of absence

without pay in excess of 5 consecutive working days in a month shall not earn vacation or sick leave credit or accrue any other benefits or service time provided herein unless otherwise stated. Employees will be responsible for paying their own health, life and dental insurance while on approved leave of absence without pay in excess of five (5) days. For 24-hour shift employees this will be in excess of 48 hours. Employees on Leave of Absence without pay will not be paid for holidays.

7.32 Unapproved Absence

Vacation or compensatory time leave must be approved forty-eight (48) hours prior to the date of leave. An employee who is absent from duty, including any absence for a single day or part of a day, without notice or prior authorization as provided by these rules shall be deemed to be on unapproved leave. Any such leave shall be without pay and the employee subject to disciplinary action, up to and including discharge.

7.33 Tardiness/Absence Due to Inclement Weather

Unless the Mayor or City Administrator declares otherwise, time off due to poor weather conditions will not be considered as special, compensable leave, but shall be treated as vacation, compensatory time and/or leave without pay.

7.34 Absence - Exempt Employees

In no event will an exempt employee lose pay for an absence of less than one day.

7.35 Voting Leave

An employee may request up to three (3) hours of leave time for voting unless the employee has three consecutive non-working hours to vote. Such leave must be requested prior to the day of election.

SECTION 8

SUBSTANCE ABUSE8.1. Policy Statement

The City, in a positive effort to provide a healthy and safe working environment for all its employees and the citizens of this community, adopts the following policy. The City believes that use of controlled substances and misuse of alcohol by City employees is detrimental to the achievement of these goals.

In order to meet the goals of providing safe and efficient service and a safe and healthy workplace, the City is implementing this policy to prevent alcohol and controlled substance abuse by its employees. This City will not tolerate unauthorized use, abuse, possession or sale of controlled substances or misuse of alcohol by any of its employees, including part-time and seasonal employees. Drug and alcohol testing will be an integral part of the City's program.

It is the policy of the City of Harrisonville not to hire or continue the employment of any individual who violates this policy. The purpose of this policy is to clarify, for employees, conditions under which drug or alcohol screening may be required, the testing procedures to be utilized and the consequences of positive test results.

8.2. Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug programs.

It should be noted that while this policy details the City's prohibition against the use of alcohol and drugs in the workplace, it is the position of the City that it would prefer to help, rather than punish, employees who abuse drugs and/or alcohol.

8.3. Safety-Sensitive Employees

Employees who perform safety-sensitive functions will be subject to random testing. The following is a list of City of Harrisonville's safety-sensitive functions:

- 8.3.1. Any employee required to obtain a Commercial Driver's License (CDL)

8.3.2. Public Safety Officers (Police, EMS, and Fire)

8.3.3. Communication Officers

8.3.4. Water Treatment Plant Operators

8.3.5. Animal Control Officers

8.4. Application

This policy applies to all safety-sensitive and non-safety-sensitive employees, paid part-time employees, seasonal employees, and contractors when they are on City property in an official capacity or when performing any City related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Meetings and functions, which are primarily social in nature, are not defined as performance in an official capacity for the purpose of this policy. Visitors, vendors, and contractor employees are governed by this policy while on City premises and will not be permitted to conduct City business if found to be in violation of this policy.

8.5. Employee Drug/Alcohol Education (All Employees)

Each employee shall be given a copy of the City's policy and such other educational matters as may be deemed appropriate from time to time. All new employees shall receive this information upon hiring. Employees receiving this information shall sign a statement certifying they have received this information and the Human Resources Office shall retain this receipt.

Employee Drug and Alcohol Educational materials shall have at least the following content:

- 8.5.1. The identity of the person(s) designated to answer employee questions about the City's policy and testing programs.
- 8.5.2. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to the employee assistance program (EAP) and discipline.
- 8.5.3. Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules, if applicable.
- 8.5.4. Explanations of employee conduct which is prohibited by this policy and the circumstances under which an employee will be tested
- 8.5.5. The drug and alcohol test procedures.

- 8.5.6. An explanation of when testing is required by State and/or Federal rules.
- 8.5.7. An explanation of what constitutes a refusal to test
- 8.5.8. An explanation of the consequences of violations of this policy
- 8.5.9. An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%

Supervisors shall receive, in addition to the general employee information, training in alcohol misuse and training in drug use. The training shall cover physical, behavioral, speech, and performance indicators of drug use and alcohol use and may also cover the physiological and psychological aspects of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

8.6. Prohibited Substances

Prohibited substances addressed by this policy include the following:

- 8.6.1. Illegally Used Controlled Substances or Drugs: Federal regulations as outlined by the Department of Transportation identify illegal drugs and substances. This includes, but is not limited to: Marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the United States Drug Enforcement Administration or the United States Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
- 8.6.2. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work-related duties.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business is prohibited.
- 8.6.3. Alcohol: The use of beverages containing alcohol or substances including any medication such that alcohol is present in the body while performing City business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

8.7. Prohibited Conduct

- 8.7.1. Manufacture, Trafficking, Possession, and Use: Any employee engaging in manufacture, distribution, dispensing, possession, or use of prohibited substances on City premises, in City vehicles, in uniform, or while on City business will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.
- 8.7.2. Intoxication/Under the Influence: Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Any employee found to be under the influence of prohibited substances or who fails to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in federal regulations administered by the Department of Transportation.
- 8.7.3. Alcohol Use: No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol. No employee shall use alcohol while on duty. No employee shall have used alcohol within four hours of reporting for duty. No employee shall use alcohol during the hours that they are on compensated stand-by. Violation of these provisions is punishable by disciplinary action up to and including termination.

8.8. Employee Responsibilities

An employee must:

- 8.8.1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use, on or off duty;
- 8.8.2. Not possess or use, or have the odor of alcohol or drugs on his/her breath during work hours, on breaks, during meal periods, while on City property in an official capacity, or while operating any City vehicle, while on City business, or while on compensated stand-by time;
- 8.8.3. Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or on compensated stand-by;
- 8.8.4. Consent to and submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a Supervisor and/or the City Administrator or their designee;

- 8.8.5. Notify his/her supervisor, before beginning work, when taking any medication or drugs, prescriptions or non-prescription, which may interfere with the safe and effective performance of job duties or operation of City equipment;
- 8.8.6. Provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.
- 8.8.7. Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

8.9. Supervisor Responsibilities and Guidelines

- 8.9.1. Generally, the City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.
- 8.9.2. Reasonable Suspicion Testing. Supervisors may request that an employee submit to a drug and/or alcohol analysis when a supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. Reasonable suspicion is a belief based on objective and articulable facts sufficient to lead a reasonably prudent Supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion.
 - (a) Slurred Speech
 - (b) Alcohol on Breath
 - (c) Inability to walk a straight line
 - (d) An accident involving City property
 - (e) Physical Altercation
 - (f) Verbal Altercation
 - (g) Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority
 - (h) Use or possession of alcohol or drugs

- (i) Information on use or possession of alcohol and drugs provided either by a reliable and credible source or independently corroborated
- (j) Arrest or conviction for a substance abuse offense or being the subject of a criminal investigation into illegal drug possession, use, or trafficking

This list is not intended to be all inclusive of conduct that constitutes reasonable suspicion.

Drug/alcohol tests are required for employees whenever there is a pattern of on-duty accidents or an accident resulting in severe property damage or bodily injury.

Any supervisor who has a reasonable suspicion that an employee is impaired on the job by alcohol or other substance will, with the approval of the Supervisor and the City Administrator or his/her designee, immediately arrange for a substance screening. If a screening is required after normal business hours, the supervisor will make direct contact with the facility that has been designated to perform screenings for the City. The following procedures shall be followed:

- (a) The supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is impaired on the job by alcohol or other substances.
- (b) Any supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated facility where a drug and /or alcohol analysis will be performed.
- (c) Any supervisor encountering an employee who~~m~~ refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Such continued refusal will constitute grounds for termination.
- (d) Supervisors shall not physically search employees, nor should they search the personal possessions of employees without sufficient reasons to suspect wrong doing as well as the freely given consent of, and in the presence of the employee.
- (e) Supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.
- (f) Supervisors shall not confiscate, without consent, prescription drugs or medication from an employee.

8.9.3. Post-Accident Testing. Supervisors must produce employees for post-accident drug and alcohol testing within two hours of the accident or explain in writing why the employee was not produced. The employee may be given necessary medical treatment and if such treatment prevents normal drug and alcohol testing, the supervisor shall immediately inform the Human Resources Office.

8.9.4. Other Required Testing. Whenever drug or alcohol tests are required under this policy, supervisors must produce the employee for those tests, and when current impairment is reasonably suspected, the supervisor shall not allow the employee to drive.

8.9.5. Documentation. Observations supporting a supervisor's reasonable suspicion of drug or alcohol use must be made just before, during or after the employee performs his/her job. These observations must be reduced to writing within twenty-four (24) hours of the observation.

Whenever drug or alcohol tests are required by this policy and the employee is not tested within eight (8) hours of notice of the need to test, the supervisor shall explain in writing why the test or tests were not performed.

8.9.6. Confidentiality. Supervisors are responsible for maintaining the confidentiality of all substance abuse issues.

8.10. Results of Drug and/or Alcohol Analysis

Upon a negative result, the employee shall return to work.

If the test is confirmed positive, the employee will then be given the opportunity, at the employee's expense, to have a second screen using a different technique given on the same sample pursuant to Paragraph 8.11.7, Employee Requested Testing. If the second screen shows a negative result, it will be assumed that the individual is not under the influence of or impaired by alcohol or drugs, and the employee shall return to work. If negative, the City will reimburse the employee for the expense of the second screen.

If all tests indicate a positive result, the employee must submit to evaluation by a Substance Abuse Professional. In addition, the employee is subject to disciplinary action up to and including termination. If the City determines not to terminate the employment of the employee, the employee may be required to participate in and complete a rehabilitation program recommended by the Substance Abuse Professional at the employee's expense.

8.11. Testing for Prohibited Substances

8.11.1. General Procedures. Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by federal regulations. All employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident. In addition, all employees will

be tested prior to and after return-to-duty after failing a drug test and/or completion of rehabilitation treatment. Those employees who perform safety-sensitive functions as defined in this policy shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U. S. Department of Health and Human Services (DHHS).

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in federal regulations administered by the Department of Transportation.

Tests for alcohol concentration will be conducted utilizing a National Highway Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration greater than 0.02 but less than 0.04 will result in removal from his/her position for twenty-four (24) hours unless a re-test results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The City of Harrisonville affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

- 8.11.2. Post Offer Pre-Employment Testing: all applicants, to whom an offer of employment has been made, including part-time and seasonal, shall undergo urine drug testing and alcohol testing prior to employment. Receipt by the City of satisfactory test results is required prior to employment and failure of a drug or alcohol test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug and alcohol dependency from a Substance Abuse Professional (SAP) and negative drug and alcohol tests will be required prior to further consideration for employment.

8.11.3. Reasonable Suspicion Testing: All employees may be subject to reasonable suspicion testing to include appropriate urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the long or short-term effects of substance abuse. Examples of reasonable suspicion include (See also Section X, Paragraph I), but are not limited to the following:

- a. Adequate documentation of unsatisfactory work performance or on-the-job behavior
- b. Physical signs and symptoms consistent with prohibited substance use
- c. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- d. Occurrence of a serious or potentially serious accident that may have been caused by human error.
- e. Fights (to mean physical contact), assaults, and flagrant disregard for violations of established safety, security, or other operating procedures.

8.11.4. Post-Accident Testing: Employees will be required to undergo urine and breathe testing if they are involved in an accident with a City vehicle. This includes all employees who are on-duty in the vehicles and any other employee whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; and/or one or more vehicles incurs substantial damage, and/or the employee receives a citation under state or local law for a moving traffic violation arising from the accident, or evidence that the employee has previously tampered with a previous drug test.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours after the accident for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees under this provision will include not only the operations personnel, but also any other covered employees whose performance could have contributed to the accident.

8.11.5. Random Testing: Employees in safety-sensitive positions will be subjected to random, unannounced testing. Employees will be randomly selected for testing from a pool of employee's subject to testing. Each employee will have an equal

chance of being tested more than once. The testing dates and times will be unannounced and will be conducted throughout the year.

Each year, the number of random tests conducted by the City must equal at least 50% of all the safety-sensitive employees or other percentage as required by the federal regulations.

- 8.11.6. Return-to-Duty Testing: All employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional before returning to work. Employees will be required to undergo frequent unannounced random urine and breath testing during the period of their re-entry statement of conditions. The Department of Transportation requires at least six (6) tests within the first twelve (12) months and the return-to-duty testing can be as long as sixty months.
- 8.11.7. Employee Requested Testing: Any employee who questions the results of a required drug test under this policy may request an additional test be conducted. This must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The employee pays all costs for such testing unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in federal regulations administered by the Department of Transportation. The employee's request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee and the split sample remains available.
- 8.12. Medical Review Officer. The City will employ a Medical Review Officer (MRO) to review the drug test results. The MRO shall be a licensed physician with knowledge of drug abuse disorders. Only the MRO may review and interpret each positive drug test and after discussing with the employee, report the results to the City.
- 8.13. Return to Work; Drug Test: In order to recommend return to work after a positive drug test, the MRO shall ensure the employee has subsequently tested drug free, the employee has been evaluated by a Substance Abuse Professional, and the employee is in compliance with rehabilitation conditions.
- The MRO shall determine whether and when a return to duty recommendation shall be made for an employee who has failed a drug test or refused to be tested and shall determine the schedule for return to work drug testing.
- 8.14. Substance Abuse Professional. The City will also employ a Substance Abuse Professional (SAP). The SAP shall be a licensed physician (M.D. or D.O.), or a licensed psychologist, social worker, employee assistance professional or addiction counselor

(certified by MHADACCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

- 8.15. Return to Work; Alcohol Test: In order to recommend return to work after an alcohol test which indicates blood alcohol content greater than 0.04%, the SAP must first evaluate the employee to determine whether the employee has an alcohol-related disorder.

If the SAP determines that an employee has an alcohol disorder which requires assistance, the employee shall be subject to counseling, treatment and follow-up alcohol testing as directed by the SAP. Follow-up testing shall only occur just before, during or just after the employee performs City business.

- 8.16. Actions Taken in Response to Test Results/Refusal to be Treated

8.16.1. Refusal/What Constitutes Refusal: An employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a refusal to be tested. Employees refusing to be tested shall be subject to immediate disciplinary action up to and including dismissal.

8.16.2. Positive Drug Test: An employee whose drug test result is reported to the City as positive shall be immediately referred to the Substance Abuse Professional for evaluation and will be subject to disciplinary action up to and including dismissal.

8.16.3. Positive Alcohol Test: An employee whose breath test results in a reading of 0.02-0.039% blood alcohol content shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. An employee who has a continuing pattern of breath test results between 0.02-0.039% blood alcohol content shall be referred to the Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including dismissal.

An employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. Additionally, the employee shall be referred to a SAP for evaluation and may be subject to disciplinary action up to and including dismissal.

8.16.4. Subsequent Positive Test(s): An employee whose drug test result is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug tests and previous breath tests with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the provisions of this Policy shall be subject to disciplinary action up to and including dismissal.

8.16.5. Rehabilitation: Failure to immediately begin an approved rehabilitation program, successfully complete the program and/or participate in required or recommended after-care may result in disciplinary action up to and including dismissal. Rehabilitation may consist of, but is not limited to, in-depth counseling and hospitalization and will be paid directly by the employee or their insurance provider. When appropriate the City may require a treatment agreement as a condition of continued employment and failure to comply is grounds for dismissal. Employees will be allowed to take accumulated sick leave, vacation leave, and compensatory time to participate in the prescribed rehabilitation program.

8.16.6. City's Right to Discipline: The above notwithstanding, the City has the right to take immediate disciplinary action for a violation of this policy, including termination, based on the severity of the violation.

8.16.7. Federal Highway Administration (FHA) Consequences: In addition to the penalties set out by the City for violations of this policy, the following consequences for those with CDL are required by FHA rules:

- a. No employee shall drive if they have used a drug (marijuana, cocaine, amphetamines, opiates, PCP), and no employee may drive within four hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.04% or greater.
- b. A driver violating these rules may not return to work until evaluated and released by a SAP, and subsequently tested for alcohol and drugs with negative results.
- c. An employee tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for twenty-four (24) hours after the test.

8.17. Re-entry Statement of Conditions

Employees who re-enter the workforce must comply with a re-entry statement of conditions. The statement may include but is not limited to:

8.17.1. A release to work statement from an approved Substance Abuse Professional.

8.17.2. A negative test for drugs and/or alcohol.

8.17.3. An agreement to unannounced frequent follow-up testing.

8.17.4. A statement of expected work-related behaviors.

- 8.17.5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry agreement is grounds for termination.
- 8.18. Policy Contact. Any questions regarding this policy or any other aspect of the drug-free and alcohol-free program⁴ should be directed to the Human Resources Office.

SECTION 9

SEPARATION AND DISCIPLINARY ACTIONS

9.1. Resignation

To resign in good standing, an employee must give the appointing authority at least fourteen (14) calendar days or two (2) weeks prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. The employee shall supply a written resignation to his/her Supervisor, giving reasons for his/her leaving. Failure to resign in good standing shall be entered on the service record of the employee and shall be cause for denying future employment by the City. The resignation, and any other pertinent information concerning the cause of resignation, shall be forwarded to the City Administrator's office for inclusion in the employee's personnel file. An exit interview will be conducted by the City Administrator or his/her designee at the time employee leaves the city service as referenced in Section 9.12.

9.2. Reemployment after Resignation

A former employee shall be eligible for rehire at the discretion of the appointing authority and the City Administrator. He/she must be rehired at the entry level or if within six (6) months, he/she returns to City employment, he/she can be considered for reemployment at the same salary level he/she was earning at the time of resignation. However, in the police department, if a ranking officer resigns, he/she can only be reemployed as a patrolman with a pay rate agreed upon between the appointing authority and the City Administrator. Those employees returning within a six (6) month period may do so after an interview or other applicable testing, provided such former employee meets the minimum qualifications for the position and has had a satisfactory prior record of service. Former employees reemployed in the classified service shall be subject to the provisions of these policies that are applicable to new employees, including serving of the appropriate introductory period. However, an employee who is rehired and who remains an employee of the City for a period of five (5) continuous years shall receive credit for his/her previous period of employment when computing vacation and other benefits, as provided in these rules if allowed by their current insurance and retirement group plans such as LAGERS retirement plan. An employee shall be eligible only once for previous employment credits.

9.3. Lay Offs

An appointing authority may lay off an employee, subject to approval of the City Administrator, because of a material change in duties or organization, or because of a shortage of work or funds. Ten (10) working days before the effective date of lay off, such an appointing authority shall notify the Human Resources Department of the intended action, with reasons and support thereof, and a statement certifying whether the service of the employee is affected.

9.3.1. Order of Lay Offs

Laid off employees shall be determined on the basis of service reports and other pertinent data. If it is found that two (2) or more persons in the organizational unit in which a lay off is to be made have equal ratings as determined by service reports or other pertinent data, the order of lay off shall be made based on length of service.

9.3.2. Reemployment after Lay Off

The appointing authority may rehire employees who have been laid off subject to the approval of the City Administrator. Employees who are rehired under this provision shall be reinstated and credited for his/her previous employment when computing vacation and other benefits, as provided in these rules except that, if the layoff has been for less than one (1) year, the five (5) continuous years of employment after rehire will be waived with the exception of the LAGERS Retirement and that will be based upon the LAGERS requirements at that time.

9.4. Retirement

Participating employees are eligible for retirement from the municipal service in accordance with the terms and conditions of the Missouri Local Government Retirement System (LAGERS).

9.5. Reason for Disciplinary Action

The City does not use a progressive disciplinary policy. As a result, any action which, in the discretion of an employee's Supervisor, Department Head, or the City Administrator, reflects discredit upon the municipal service or is a hindrance to the effective performance of the municipal government functions may result in disciplinary action against any officer or employee of the City. Disciplinary action may include oral reprimand, letter of instruction, written reprimand, suspension, demotion or termination. Some of the major reasons for disciplinary action are listed below. However, this list does not describe all conduct which could lead to disciplinary action and, in no way, modifies the at-will employment relationship between the City and its employees:

- 9.5.1. Incompetence or inability to perform the duties as required
- 9.5.2. Offensive conduct that brings discredit upon the City or the service
- 9.5.3. Insubordination
- 9.5.4. Misappropriation, destruction, theft or conversion of City property
- 9.5.5. Conviction of felony or other crimes involving moral turpitude (this conviction constitutes grounds for dismissal)

- 9.5.6. Excessive absenteeism, absence without good cause or failure to report after a leave of absence has expired, or has been revoked or canceled.
- 9.5.7. Violations of the provisions of these policies
- 9.5.8. Disregard of others
- 9.5.9. Falsification of any information required by the City
- 9.5.10. Failure to properly report accidents or personal injuries
- 9.5.11. Neglect or carelessness resulting in damage to City property
- 9.5.12. Knowingly driving a City vehicle without a valid driver's license or CDL license.
- 9.5.13. Disregard for the City's safety policies.
- 9.5.14. Repeated convictions during employment of misdemeanor and/or traffic charges.
- 9.5.15. Introduction, possession or use, on City property or City equipment, of intoxicating liquors or any controlled substance, as set out in these policies. These acts constitute grounds for dismissal.
- 9.5.16. Unauthorized use of City vehicles
- 9.5.17. Inducing or attempting to induce any officer or employee in the City service to commit an illegal act, or to act in violation of any lawful and reasonable departmental order, or assisting in the commission of such an act.
- 9.5.18. Solicitation or acceptance for personal use of a fee, gift or other valuable thing from any vendor seeking to do business with the City or any person having a matter before the City the disposition of which could be influenced by the employee. Employees shall avoid any conflicts of interest that will bring discredit to the City. This section shall not prohibit acceptance of items of nominal value used as promotional items, such as pens, mugs, and note pads, nor gifts of food made available to employees of a department, such as gifts of food for holidays.
- 9.5.19. Willful failure to comply with Department Standard Operating Procedures (SOP) manual.
- 9.5.20. Other actions which an employee's supervisor, Department Head, and/or the City Administrator do not believe were for the good of the service of the City.

9.6. Oral Reprimand

An employee may receive an oral reprimand from his/her immediate Supervisor. No appeal will be accepted.

9.7. Letter of Instruction

An immediate Supervisor or Department Head informs employee in writing that changes need to be made in regard to work performance or employee conduct. This will be included in the immediate supervisor's coaching file. Information contained shall not be considered a part of the employee's personnel file.

9.8. Written Reprimand

An Employee may be reprimanded by the immediate supervisor with Department Head approval. Such reprimand shall be in writing and shall be signed by the employee, the Supervisor and the Department Head and delivered to the appropriate office for inclusion in the employee's Personnel file. An employee's refusal to sign an acknowledgment of receipt of a reprimand shall be cause for immediate suspension without pay. The employee may file a letter of response to the reprimand, which shall be attached to the reprimand in his/her personnel file. An employee who receives three (3) reprimands within one year will be discharged, unless, the City Administrator believes mitigating circumstances exist.

9.9. Suspension

An employee may be suspended by the immediate supervisor with Department Head approval. Such suspension may be with or without pay for such length of time as may be considered appropriate, not exceeding thirty (30) calendar days in any twelve (12) month period. The City Administrator shall be furnished with a written statement setting forth reasons for such suspensions for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file.

9.10. Demotion

An employee may be demoted by the immediate supervisor with Department Head approval. Such demotion shall be in compliance with the provisions for involuntary demotion prescribed in these policies. The City Administrator shall be furnished, with a written statement setting forth reasons for such demotion for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file.

9.11. Discharge

An employee, with the exception of the Chief of Police, may be discharged by the immediate supervisor with Department Head approval. The City Administrator shall be furnished with a

written statement setting forth reasons for such discharge for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file. The Chief of Police may be discharged in accordance with the requirements of R.S.Mo. § 106.273, a copy of which can be provided upon request.

9.12. Exit Interviews

All employees of the City may request the opportunity to participate in an exit interview with the City Administrator, or his or her designee, upon separation from employment with the City. The interview provides information to the City about working conditions, pay and benefits. The ideas and suggestions of individuals who have chosen to leave the City might offer opportunities for the City to enhance its appeal as an employer. The interview will not be required, but is encouraged.

9.13. Release of Information

The Human Resource Manager will provide or verify the following information upon verbal or written request for both current and former employees.

- employment dates
- job title (s)
- rate of pay

No other information will be released.

SECTION 10

SUGGESTIONS AND COMPLAINTS10.1. Suggestions and Complaints

The City Administrator may set up a system for employees to express their concerns in an effort to improve the municipal service. Unless otherwise prescribed by this policy, this procedure shall be used by employees to inform the City of their suggestions or concerns.

10.2. Procedures for Handling Complaints

- 10.2.1 An employee who has a complaint shall discuss the issue(s) orally with their immediate supervisor within seven (7) standard workdays of the incident causing the issues. The employee shall specifically state the oral discussion should be considered a complaint.
- 10.2.2 If the issue is not satisfactorily resolved within three (3) standard work days of the date of the oral discussion the employee shall present, his/ her complaint in writing to his/her immediate supervisor within five (5) standard workdays of the oral discussion. Said writing shall refer to the oral discussion and present the complaint.
- 10.2.3 The immediate supervisor shall consider the written complaint and provide the employee with a written notice of his/her decision within five (5) standard working days of receipt to the written a complaint
- 10.2.4 If the issue is not resolved, the employee may, within three (3) standard working days of the notice of decision submit a written the complaint with supporting documentation, of the immediate supervisor's decision to the Department Head. If the Department Head is the immediate Supervisor, the complaint shall be submitted directly to City Administrator, and the procedures outlined in subsection seven (7) shall apply.
- 10.2.5 The Department Head shall confer with the aggrieved employee within ten (10) standard work days and the employee's immediate supervisor before rendering a decision. Such decision shall be in writing and shall be delivered to the complaining employee within five (5) standard workdays of the conference.
- 10.2.6 If appeal to the Department Head fails to resolve the complaint, the employee may, within three (3) standard work days of receipt of the decision, submit the complaint to the City Administrator.
- 10.2.7 On receipt of the complaint, the City Administrator or his/her designated representatives may hear matters pertinent to the complaint. The City Administrator will designate the date and time for the employee to speak with the

City Administrator or his/her designee. The decision of the City Administrator shall be final. The decision of the City Administrator shall be delivered to the employee and a copy to the Department Head involved and to the Human Resource Department.

10.2.8 If the employee fails to submit or process his/her complaint within the time frames set forth in this section, the matter is assumed to be resolved. If the immediate supervisor or Department Head fails to respond within the time frame set forth in this section, then the employee shall immediately file the complaint with the City Administrator pursuant to the procedures set forth in this section. In the event that the employee, immediate supervisor, or Department Head must be absent from work in a manner that affects the time periods listed herein, these periods may be reasonably extended to allow for adequate response time at the request of the absent party as approved by the City Administrator.

10.2.9 In case of a grievance regarding the Americans with Disabilities Act, see City Resolution R-92-14 dated November 23, 1992.

10.2.10 Complaints concerning discrimination and/or harassment should be handled in accordance with Section 2.9.

10.3. Procedures for Handling Appeals of Discipline

Any regular full-time employee who is suspended, demoted (reduced in rank or compensation 'pay grade') or who is discharged, may appeal the discipline, in writing, to the City Administrator within five (5) days after the effective date thereof. Both the appealing employee and the Supervisor/Department Head, whose action is reviewed, will have the opportunity to informally present information to the City Administrator, or his/her designee, during a meeting to either support or oppose the discipline. The City Administrator or his/her designee will render the decision, in writing within five (5) working days of the meeting. The City Administrator's decision will be final and not subject to any further review. The City Administrator has complete discretion in deciding whether to uphold, modify, or overturn the disciplinary decision at issue and the City Administrator's decision is not dependent upon the existence or nonexistence of any criteria.

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SECTION 1

DEFINITION OF TERMS

The following words and phrases shall have the meaning indicated throughout this ordinance except where the context clearly indicates otherwise:

- 1.1 Acting capacity: An interim appointment to fill an existing vacancy in the classified service in a higher position.
- 1.2 Allocation: The assignment of an individual position to an appropriate class in accordance with its duties and responsibilities.
- 1.3 Anniversary Date: The appointment date to a position.
- 1.4 Appeal: A process which provides an employee the right of review of a Supervisor's or appointing authority's disciplinary action.
- 1.5 Applicant: A person who has filed a formal application for employment with the City of Harrisonville, Missouri.
- 1.6 Appointing authority: The City Administrator or such Supervisors, officer or agency as may be authorized to make appointments to positions in such office or agency, as provided by ordinance or by direction of the Mayor and Board of Aldermen.
- 1.7 Appointment: Employment or assignment to a position in an administrative department, office or agency, as provided by City ordinance or as provided by the Board of Aldermen.
- 1.8 Assembled examination: A written, oral or physical performance test at a specified time and place at which applicants are required to appear for testing under supervision.
- 1.9 Candidate: An applicant who has taken a merit examination whose name has not yet been recorded on an eligibility list.
- 1.10 Class: A group of positions similar in respect to duties, responsibilities, and authority and having similar qualifications that are necessary or desirable for the satisfactory performance of the duties of the positions.
- 1.11 Classification: The assignment of a position to an appropriate class, grade, or level on the basis of the kind, difficulty, and responsibility of the work to be performed.
- 1.12 Classified Employee: The classified service shall include all positions not specifically included in the unclassified service.

1.13 Conflict of Interest: A conflict between the private interests and the official responsibilities of a person in a position of trust, as defined by the State Statutes. All employees of the City shall be required to file an affidavit with the City advising the City of any business in which they have ten percent (10%) or more interest.

1.14 Consanguinity: (2nd Degree) Descendants from or related to a blood relative. 1st Degree includes parents, children, full siblings, nephews, uncles, and half siblings.

1.15 Demotion: The movement of an employee from a position in one class to a position in the same or another class, having a lower maximum salary rate.

1.16 Department Head: An individual appointed by the City Administrator to administer one of the departments. Also classified as a Director, City Engineer, or Police Chief.

1.17 Dismissal: The permanent separation of an employee from the City's service.

1.18 Eligible: A person who, under these policies, meets the requirements for certification for appointment to a position in the classified service.

1.19 Emergency: When the health, safety and/or services to the citizens of Harrisonville are disrupted to the extent that physical damage to persons and property would be affected.

1.20 Employment related injury: An injury or occupational disease, which arises out of the course of employment.

1.21 Exempt employees: Employee exempt from overtime as defined by FLSA.

1.22 Extended Family: Employee's nieces, nephews, aunts, uncles, including those by marriage.

1.23 Fiscal Year: The fiscal year is defined as January 1, through December 31.

1.24 General employee: Employees in the classified service other than those hereinafter designated as "Public Safety Employees".

1.25 Hire Date: The date employment started with the City. If a part-time employee becomes fulltime, their hire date is then changed to the date of fulltime employment.

1.26 Immediate family: Employee's spouse, children, grandchildren, grandparents, parents, brothers and sisters, including those by marriage.

1.27 Introductory period: A working test period during which an employee in the classified service, newly appointed or promoted, is required to demonstrate his/her fitness by actual performance of the duties of the position to which he/she is appointed or promoted. The introductory period for General Employees is typically six (6) months and for newly hired fulltime public safety employees, twelve (12) months. This period may be extended at the discretion of the City Administrator.

1.28 Modified Duty: Position is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following an on-the-job injury or illness. The Modified Duty position temporarily addresses the restrictions placed on an individual by the employee's treating doctor.

1.29 Pay anniversary date: The effective date of hire or any change in pay status caused by promotion or demotion. This does not apply to special merit increases or increases applied citywide such as cost-of-living increases.

1.30 Physician: In this policy Physician means a (e.g. doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice as defined in the State of Missouri Workers' Compensation Regulations administered by the Missouri Department of Labor and Industrial relations under Chapter 287 RSMo.)

1.31 Performance rating: A performance rating is a periodic evaluation of an employee's performance in his/her assigned duties and responsibilities. This rating is made by the employee's immediate supervisor and reviewed by the Department Head. A final review will be made by the City Administrator or his/her designee.

1.32 Position: A group of current duties and responsibilities assigned or delegated by competent authority, requiring regular or temporary, part-time or fulltime, employment of one person.

1.33 Promotion: The movement of an employee from a position in one class to a position in the same class or another class having a higher maximum salary rate.

1.34 Promotional examination: An examination in which the competition is limited to employees in the classified service who meet the qualifications set forth in the examination announcement notice.

1.35 Public Safety Employee and Volunteer: Employees in the service of the Police Department who are commissioned police officers and employees and volunteers in the service of the fire department and employees and volunteers in the service of the Emergency Services Department who are licensed paramedics and/or EMTs by the State of Missouri or possess other licenses required by the City and volunteers of the Emergency Management Department. Explorers & Volunteers in Police Service (VIPS) in the Police Department are considered volunteers, as well as people who assist in the Animal Control Department.

1.36 Public Works: Employees in the service of the Street, Water, Sewer, or Electric Departments are considered Public Works employees for this policy.

1.37 Reclassification: An official determination by the City Administrator that a position be assigned to a class different from the one to which it was previously classified.

1.38 Regular Fulltime Employee: An employee who is employed to work any classified or unclassified position in the City and who is expected to work at least 30 hours per week.

1.39 Regular Part-time Employee: An employee appointed for work on a basis of twenty-nine (29) hours per week or less and under 1500 hours per year in a recurring regular weekly schedule. This definition does not apply to volunteers. Part-time employees are not eligible for most benefits.

1.40 Regular position: A position included in the adopted budget that is not limited to a period of less than the budget year, or any position established during a given budget year with written approval by the City Administrator, Mayor and Board of Aldermen.

1.41 Reserve Employee: An employee who meets the minimum qualifications for a police dispatcher or police officer and has been sworn in, who has no set schedule to work and can be called upon to fill a vacancy in the dispatch center or patrol schedule.

1.42 Retiree: An employee who has attained an age and service allowance after completing 5 years of credited service and attaining the minimum service retirement age as defined by Missouri Local Government Employees Retirement System (LAGERS) and has separated from employment and is receiving retirement benefits.

1.43 Seasonal Employee: A position composed of duties which occur, terminate and recur seasonally, intermittently and/or according to the needs of the department. This employee is limited to less than 1500 hours per calendar year.

1.44 Supervisor: May include department heads, managers, shift supervisors, foremen, chief plant operators, lieutenants, sergeants, corporals or any individual within a department who is authorized in a supervisor role.

1.45 Suspension: The temporary separation from City employment, with or without pay, of an employee for disciplinary reasons.

1.46 Temporary Employee: An employee who is hired to work in a position for a limited period of time.

1.47 Temporary position: A position composed of duties which are expected to occur for only a limited non-seasonal period.

1.48 Transfer: The movement of an employee from one department or division of the municipal government to another or one position to another position in the same class, or to another class when the movement is not a promotion or demotion under these policies.

1.49 Unassembled examination: A test consisting of an appraisal of training, experience, work history or any other means of evaluating without the necessity for applicants appearing at a specified place.

1.50 Unclassified employee: The unclassified service shall consist of employees in the following positions: Mayor and Board of Aldermen, City Administrator, Community Development Director, Police Chief, City Clerk, Emergency Services Director, Director of Finance, Director of Public Works, City Engineer, Parks & Recreation Director, Director of Codes Administration, Street Superintendent, and IT Director.

1.51 Vacancy: A duly created or currently existing position which is not occupied and for which funds have been provided.

1.52 Volunteer: Any person who volunteers services to the City and receives no pay.

1.53 Working Day: A working day consists of the number of hours worked by regular employees during their normal or usual shift.

SECTION 2

GENERAL PROVISIONS

2.1 Purpose

The purpose of these rules is to establish policies and procedures, to be used as guidelines by the City of Harrisonville in the administration of its personnel program.

2.2 Amendment and Adoption

Nothing contained in this personnel manual is intended to create an employment contract, express or implied, between the City of Harrisonville and any employee for either employment or for provision of any benefit. The City Administrator, or his/her designee, may recommend amendments or revisions of these policies by submitting proposed revisions to the Board of Alderman. Amendments or revisions of these policies shall become effective upon adoption by the Board of Aldermen, at any time, with or without notice to the employees, and shall supersede all previous policies which address the same subject matter.

2.3 At-Will Employment

Missouri is an at-will employment state. When the employment relationship is at-will, either the employer or the employee may terminate the relationship at any time and for any, or for no, reason. The relationship is based on no binding terms on either side and is intended to be for an indefinite period of time – until the employer or employee decides to end it.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees.

2.4 Authority to Interpret

If any interpretation, clarification, or temporary deviation from the policies and provisions contained herein has to be made, it will be done at the discretion of the City Administrator.

2.5 Departmental Rules and Regulations and S.O.P. Manuals

Departments may promulgate rules and regulations and SOP Manuals as may be necessary or appropriate. Departmental rules and regulations and S.O.P Manuals shall not conflict with the provisions of these policies. Departmental rules shall be approved by the City Administrator, or his/her designee, and when necessary or appropriate, shall be adopted by the Board of Aldermen. Such rules, when approved and/or adopted, shall

have the force and effect of rules of that department. No rule, regulation or SOP shall affect or modify the status of employees as at-will employees.

2.6 Employee Records

Personnel records for employees are retained by the Human Resource Personnel. Employees may inspect their own personnel records, but may not remove documents from their files. Such an inspection must be requested in writing and submitted to the Human Resource Personnel. A mutually convenient time will be scheduled for the inspection. Employees must review their own personnel files in the presence of an authorized City representative and copies of records are not allowed.

2.7 Positions Covered

These policies shall be applicable to all regular employees in the classified and unclassified service, except as may be excluded herein, and to such other employees in such a manner as specifically prescribed.

The classified service shall include all positions not specifically included in the unclassified service.

2.8 Administration

The City Administrator is responsible for the administration of these policies. The City Administrator, or his/her designee, shall be responsible for maintaining a complete current set of rules and for bringing these rules to the attention of all employees.

2.9 Equal Employment Opportunity

2.9.1 EEO Policy

The City of Harrisonville is an equal opportunity employer.

To give equal employment and advancement opportunities to all job applicants and employees, the City makes employment decisions based on a person's performance, qualifications and abilities. Employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, national origin, sex, age, individual genetic information or disability. This policy applies to all employment practices, including employment, hiring, promotion, discipline, demotions, transfer, layoff, termination, recruitment advertising, rates of pay and other forms of compensation, benefits, training and general treatment of employees.

The City will not tolerate discrimination or harassment on the basis of race, color, religion, national origin, sex, age, individual genetic information, disability, status as a veteran, gender identity, or any other characteristic protected by law.

The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on race, sex, national origin, religion, age, disability, or individual genetic information, and/or participates or cooperates in an investigation of alleged discrimination. 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 Resources Department.

2.9.2 Harassment Policy

It is the policy of the City that all employees should be treated, and treat each other, with dignity and respect. The City is committed to providing a work environment that is free from all forms of illegal discrimination and illegal harassment, including but not limited to, sexual harassment. The City provides ongoing sexual harassment training to ensure employees the opportunity to work in an environment free of sexual and other unlawful harassment. The City will not tolerate illegal discrimination or illegal harassment against employees based on sex, race, religion, national origin, disability or individual genetic information. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Sexual harassment may take many forms including written, verbal, physical and postings on professional or social networks, Twitter or other electronic communications. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, off-color jokes, sexual pictures or cartoons, or suggestive or obscene letters, notes, or invitations

Physical conduct that includes touching, assaulting, or impeding or blocking movements, in addition to unwanted touching, pats, squeezes, or the repeated brushing against another's body.

Unwelcome sexual advances (either verbal or physical, including postings on professional and social networks, tweets and other electronic communications), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or

rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Other Harassment includes any unwelcome comments or actions based on an employee's sex, race, religion, national origin, age, disability or individual genetic information. It may take many forms, including but not limited to, off-color jokes, inappropriate comments or remarks, pictures, cartoons, physical contact, and postings on professional or social networks, tweets or other electronic communications, etc. which portray individuals in a bad light based on their membership in a protected category.

2.9.3 Responsibility

- It is the responsibility of all employees to refrain from any form of harassment, including sexual harassment, or inappropriate verbal or physical conduct of a sexual or harassing nature.
- Any employee observing violations of this policy should report it to their immediate supervisor, a supervisor other than their direct/immediate supervisor, the department director, Human resources officer, or the City Administrator
- It is the responsibility of the employee who believes they or others are being or have been subjected to sexual or other harassment to report any violations of this policy to the employee's immediate supervisor, a supervisor other than their direct/immediate supervisor, the department director, Human resources officer, or the City Administrator
- Any person who receives such a report, or observes violations of this policy, should immediately convey the report and/or report the violations to Human Resources or the City Administrator.
- Employees have a responsibility to:
 - cooperate fully with the investigating parties;
 - provide full and complete information when reporting an incident or when being interviewed about an incident as a possible witness; and understand this policy and its consequences for violations.

2.9.4 Investigation

The City will conduct a prompt investigation of any knowledge of or report of harassment or discrimination. To the extent possible, investigations into complaints of harassment or discrimination will be kept confidential and protected against unnecessary disclosure. When the investigation is complete, the complaining employee and the accused harasser will be informed of the outcome of the investigation.

2.9.5 Consequences

- Conduct of a harassing or discriminatory nature will not be tolerated and may result in discipline, up to and including termination.
- Following an investigation, corrective action will be taken as necessary.
- The City will not tolerate retaliation of any kind for reporting complaints of harassment or discrimination, or participating in investigations of harassment or discrimination. The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of harassment or discrimination based on race, sex, national origin, religion, age, disability, or individual genetic information, and/or participates or cooperates in an investigation of alleged discrimination. 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 Resources Department or City Administrator.

**** This policy does not preclude the City from taking disciplinary action, up to and including termination, against anyone who knowingly discloses false information and/or makes a report regarding harassment in bad faith.**

2.10 Workplace Threats and Violence Policy

Threats, threatening behavior or acts of violence against employees or citizens visiting City facilities, by anyone on City property, will not be tolerated.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property may be removed from the premises as quickly as safety permits, and may be required to remain off City property pending the outcome of an investigation.

All City employees are responsible for notifying their supervisor, Department Head or the Human Resources Department of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on City property. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or

threatening behavior and the person and/or persons who were threatened or were the focus of the threatening behavior.

Employees who apply for or obtain a protective or restraining order which lists City property as being protected areas, must inform their supervisor, Department Head or the Human Resources Department. The City understands the sensitivity of the information requested and recognizes and respects the privacy of the reporting employees. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible.

2.11 Immigration Law Compliance

The City is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. The City does not illegally discriminate because of a person's citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, and as a condition of employment with the City, every new employee is required to complete the Employment Eligibility Verification Form I-9 and present documentation that proves identity and employment eligibility.

If an employee leaves City employment and is rehired, he or she must complete another Form I-9 if the previous I-9 with the City is more than three years old, or if the original I-9 is not accurate anymore, or if the City no longer has the original I-9.

2.12 GINA (Genetic Information Non-Discrimination Act)

The City does not request, require, purchase, or deliberately acquire any genetic information (including information from genetic tests, the genetic tests of family members, family medical history, or information about any employee's, applicant's or family member's request for or receipt of genetic information). Tests for drug or alcohol use are not considered "genetic testing" and may be required by the City in appropriate circumstances.

To the extent the City receives information about an applicant's or employee's family medical history or other genetic information inadvertently (e.g., in the administration of a leave request or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider a leave request for 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.

2.13 ADA (Americans with Disabilities Act)

It is the policy of the City to consider qualified applicants with disabilities in its hiring process. If an applicant with a disability is qualified for a position that is available and can perform the essential functions of the employment position, either with or without reasonable accommodation, it is the City's policy to consider that person on an equal basis with any other applicants who apply for the job. The City will not make disability a factor in its hiring process; its employment decisions are based on job-related criteria alone.

Qualified individuals with disabilities may make requests for reasonable accommodation to their supervisor, Department Head or the Human Resources Department. If an employee has any questions regarding whether they qualify for a reasonable accommodation, they should contact Human Resources for more information.

Any accommodation request received by a supervisor or Department Head should be immediately reported to Human Resources.

2.14 Workers' Compensation Benefits

If an employee sustains a work-related injury, the City's workers' compensation insurance will provide medical coverage and income replacement for the period of the employee's disability.

Following a work-related injury, workers' compensation benefits will not be paid until three (3) days have passed from the date of injury when the employee is treated by an authorized medical provider. Medical expenses will, however, be paid from the time of injury. Compensation benefits will begin the day after the waiting period ends. If the employee is disabled for 14 days or more, benefits will be paid retroactively to cover the waiting period. If it appears that the employee will be off work and the City is unable to accommodate the employee for 14 days or more, the waiting period may be waived.

If an employee is injured on the job, the employee, the employee's supervisor, and any witness must complete the appropriate forms and forward them to the Human Resources Department no later than three (3) working days following the incident, in order to preserve the employee's right to workers' compensation benefits. Forms for reporting injuries may be obtained in the Human Resources Department.

2.15 Employee Tobacco Use Policy

The City's facilities are smoke free and tobacco free. Smoking, and other tobacco use, is not allowed in or around City buildings, in City Vehicles, or while using City equipment. Smoking, or other tobacco use, is permitted *only* outside and in clearly marked designated smoking areas and during break times. The City asks that those employees who smoke or use tobacco provide and utilize proper containers for extinguishing and disposing of tobacco products. For purposes of this policy, "smoking" and "tobacco use" includes the use of electronic cigarettes, vaporizers, or the like.

2.16 Workplace Searches

In order to safeguard the security and property of our employees, our customers, and the City, and to help prevent workplace violence and/or the possession, use, and sale of illegal drugs on City premises, the City reserves the right to question employees regarding any suspected illegal activity occurring on City premises or in the workplace. All offices, desks, files, lockers, computers, equipment and vehicles are the property of the City. Employees, officers, agents, or visitors of the City shall have no expectation of privacy in property owned by the City. Further, the City may search any of its property, at any time, without prior notice or consent.

2.17 Outside Employment

No full-time employee shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval of the City Administrator. Any employee engaged in outside employment must fill out a form advising his/her Department Head or Supervisor and the City Administrator where he/she is working, the hours he/she is working, and the telephone number where he/she may be reached. (A copy of the outside employment form must be filed in the Human Resource office to be included in the employee's personnel file.) Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere with the employee's municipal service or where it creates the appearance of impropriety. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties. Failure of an employee to seek approval, or openly disregard the denial of the City Administrator for said outside activity, may result in dismissal from City employment.

2.18 Personal Appearance of Employees

The City wishes to maintain a work environment that functions well and is free of unnecessary distractions. Each employee, volunteer, and contractor must maintain a groomed, clean, and businesslike appearance that is appropriate for the workplace and the type of work being performed. Depending upon the department, or the type of work being performed, certain individuals may be required to meet specific dress codes and appearance standards. For example, some individuals may be required to wear uniforms or protective clothing. Individuals who fail to comply with this policy may be subject to disciplinary action. If you have questions about these standards for your department or position, please contact your supervisor.

At the discretion of the department head or city administrator, a more "casual" dress code may be permitted under special circumstances. If you believe you need a reasonable accommodation from the requirements of this policy to comply with your religious beliefs, please inform the Human Resources Department.

Employees required to wear uniforms will receive monthly uniform allowances or will be provided uniforms, depending on department policy. Uniformed personnel are expected to keep their uniforms clean and neat, and wear them according to their respective department regulations. Uniforms are not to be worn outside of work activities, and the City's logo is not to be affixed to any non-approved clothing. Further, uniformed personnel are not eligible to participate in City recognized casual days without prior approval by their Supervisor, with the consent of the City Administrator.

SECTION 3

APPLICATIONS AND APPLICANTS

3.1 Announcement

The City Administrator, or his/her designee, shall practice suitable and effective methods for distributing information relative to job openings and securing the most qualified applicants available. Announcements for positions in the classified service shall be published by posting announcements on bulletin boards in the City Hall, in the local newspaper or in such other places as shall be deemed appropriate for a minimum of 14 days before the closing date for receiving applications. The announcement shall specify the title and salary range of the class for which the job opening is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the time, place and the manner of making application; closing date for receiving applications; and other pertinent information. It will also state: "The City of Harrisonville is an equal opportunity employer." Posting announcements only within the organization will be done when appropriate. On occasion an internal posting of a job opening may be the only announcement utilized.

3.2 Application Forms

All applications shall be made on forms prescribed by the City and shall be submitted to the Human Resources Office on or prior to the closing time specified in the announcement. Applications shall include complete information relating to the applicant's contact information, education and training, experience and other pertinent information. The City Administrator, or his/her designee, shall require such proof of minimum age, education, experience, and other requirements as may be appropriate when such information is pertinent to the position for which the applicant applies. The person applying must sign the application. All applications for employment shall be processed through the designated office. An applicant who intentionally bypasses this procedure and submits an application directly with the Supervisor causes his/her application to become null and void. Applications will only be accepted when there is an opening, except for part time EMS and Police positions for which applications will be accepted at all times and submitted within the appropriate department.

3.3 Disqualification

The City Administrator, or his/her designee, may reject any application from further consideration if the application indicates on its face that the applicant does not possess the minimum qualifications or if the applicant has made any false statement of any material fact or practice, or attempted to practice any deception or fraud in his/her application. Applications, whether accepted or rejected, shall remain on file for two years and shall not be returned.

3.4 Residence of Employees and Applicants

Principle Place of Residence-defined as that place the employee declares his/her home for voting purposes or with the intent to remain there permanently for a definite, indefinite or undermined length of time.

All City employees shall report changes of principal addresses to their respective department/division managers and the Human Resources Department within five (5) working days from the date of change of address.

All City employees are encouraged, but not required, to live inside Harrisonville city limits. At the time of appointment, promotion, etc., if all of the factors are equal, City residents may be given favorable preference.

First responders, excluding police and emergency service personnel, shall respond to their departments within thirty (30) minutes. Department directors shall establish the first responders for their respective service areas.

Exceptions to this policy are as follows: The Administrator, Police Chief, and EMS Director must live within the corporate city limits of Harrisonville. Police Lieutenants and Deputy EMS Director are required to live within a 5 mile radius of Harrisonville City Hall. The City Clerk and Public Works Director must live within 15 miles of Harrisonville City Hall.

3.5 Relatives – Hiring and Continued Employment of Relatives

It shall be the City's policy to not employ individuals full time in the same department within the 2nd degree of Consanguinity with a current employee. If a supervisor and subordinate marry or in any other way become members of the same immediate family, one of them must obtain employment in another department or sever employment with the City within six (6) months. This policy shall not apply to relationships/employment existing prior to June 1, 2018.

3.6 Valid Driver's License

Any employee who is required to drive a City vehicle as a part of his/her employment must have a valid driver's or Missouri CDL license (if required by department). A suspended, expired or revoked license will not be considered to be a valid license. Driving a City vehicle without a license or with a suspended or revoked license, will subject the employee to disciplinary action.

SECTION 4

METHOD OF FILLING VACANCIES

4.1 Request to Post Position

When a vacancy occurs, the appointing authority shall notify the City Administrator, or his/her designee, of the position that is to be filled.

4.2 Nondiscrimination

The City is an Equal Opportunity Employer and will not permit discrimination based on race, gender, color, age, national origin, ancestry, religion, disability or status as a veteran. Employment related decisions such as hiring, promotion, training and discipline will be made only for legitimate business reasons based upon qualifications and other nondiscriminatory factors.

4.3 Appointment

After an interview, the appointing authority may make appointments based on ability, training, education, and experience, and shall immediately obtain the approval of the City Administrator, or his/her designee, of the person or persons appointed. The City Administrator, or his/her designee, shall thereupon notify the person of the appointment contingent upon a successful drug test and background check; if the applicant accepts the appointment and presents himself/herself for duty within such period of time as the appointing authority shall prescribe, he/she shall be deemed to be appointed; otherwise, he/she shall be deemed to have refused the appointment.

4.4 Types of Appointments

4.4.1 Introductory

Except as may be provided otherwise in accordance with these policies, all appointments to regular full-time positions in the classified service, whether entry or promotional, shall be considered introductory for the period of time prescribed in these policies.

4.4.2 Transfer

If an employee wishes to be transferred to another department, he/she may so notify the City Administrator in writing, who, after consultation with the Supervisors concerned, may affect transfers which are to the advantage of the service. No person shall be transferred to a position for which he/she does not possess the required qualifications. The Supervisor of the department from which the employee is transferring shall complete a performance evaluation review form on the transferring employee for submission to the properly designated office.

4.5 Promotion

Whenever possible, vacancies are encouraged to be filled by promotion of a qualified employee within the City service. Such promotion will be based on qualifications, past performance, abilities, education, length of service and other legitimate nondiscriminatory factors. A recruiting process may not be necessary when the promotion of an employee has been incorporated into a succession plan which anticipated an employee being promoted into a particular position when it becomes available.

External applicants may be recruited for vacant positions along with internal applications at the time of the job posting. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service, in accordance with the procedures established herein.

Transfer between departments within the same position classification will be considered when a vacancy occurs, but preference may be given to promotion within the department.

SECTION 5

INTRODUCTORY PERIOD5.1 Objective

The introductory period shall be regarded as an integral part of the examination process and shall be utilized for closely observing newly appointed or promoted employee's work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting any employee whose performance does not meet the required work standards to which he/she has been appointed or promoted.

5.2 Duration5.2.1 General Employees

The introductory period for general employees in the classified service, whether originally appointed or promoted, shall be a minimum period of six (6) months. A general employee who is transferred to a new position or is promoted shall begin a new six (6) month period of introduction for that position upon assuming the new position.

5.2.2 Public Safety Employees

The introductory period for public safety employees shall be a minimum period of twelve (12) months from date of initial appointment and six months from date of promotion.

5.2.3 Extended Introductory Period

The City Administrator or Department Supervisor, with City Administrator approval, may extend the introductory period for general or public safety employees as deemed necessary.

5.3 Introductory Service Ratings5.3.1 General Employees

One performance evaluation report will be submitted on each employee prior to the completion of the six (6) months introductory period.

5.3.2 Public Safety Employees

Two (2) evaluation reports shall be submitted on employees serving a twelve (12) month introductory period - the first at the end of six (6) months employment and the second prior to the completion of twelve (12) months employment. Public Safety employees serving a six (6) month introductory period will be evaluated the same as general employees.

5.4 Release During Introductory Period

An employee, who is released and/or dismissed during the original hire introductory period or the extended introductory period, shall not have the right to appeal such action.

5.5 Rejection Following Promotion

Any employee who fails to qualify during an introductory period following a promotional appointment will be terminated unless the position from which the employee was promoted is vacant and the employee's supervisor, department head, and City Administrator believes a return to that position would be for the good of the service to the City.

5.6 Employment At-Will

Nothing in this Section 5 of this policy changes the fact that employment with the City shall be At-Will.

SECTION 6

CLASSIFICATION, COMPENSATION, AND BENEFITS6.1 Classification Plan6.1.1 Preparation of Classification Plan

The position classification plan, based upon and graded according to assigned work duties and responsibilities, shall be developed and maintained by the City Administrator to provide the standardization and the proper classification of all positions in the classified service of the City. This plan shall include:

- a. A descriptive title for each class of positions, and
- b. Job descriptions in such form as prescribed by the City Administrator.

6.1.2 Adoption of the Plan

The classification plan, as approved by the City Administrator and adopted by the Board of Aldermen by resolution, or as amended by resolution in accordance with these policies, shall constitute the classification plan for the City of Harrisonville, Missouri.

6.1.3 Amendment of the Plan

The classification plan may be amended in the same manner as prescribed for adoption of the plan. (See 6.1.2)

6.1.4 New Positions

New positions may be added to the classification plan in the manner prescribed for amendment of the classification plan. (See 6.1.3)

6.2 Classification of Positions

Each position in the classified service shall be allocated to the similar appropriate class therein on the basis of its duties, authority, and responsibilities. Positions shall be allocated to the same class when:

- 6.2.1 The positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
- 6.2.2 Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents;

6.2.3 Substantially the same job related test of fitness may be used in selecting qualified appointees; and

6.2.4 The same salary range may be made to apply with equity.

6.3 Reclassification of Positions

Positions, the duties of which have changed sufficiently to require reclassification in the approved Compensation Structure, shall be allocated to a more appropriate class (level), whether new or already created, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding rules governing promotion and demotion or solely as the means of increasing the rate of pay of individual employees. An employee may, at any time, submit a written request to his/her appointing authority for review of the classification of his/her position. This request must set forth the employee's reasons justifying a review. The appointing authority shall notify the City Administrator, who may make an investigation of the position to determine its correct allocation, and if appropriate, seek a reclassification of the position.

6.4 Job Descriptions

The City Administrator, or his/her designee, shall maintain a master set of all approved job descriptions. Such job descriptions, as approved by the City Administrator, shall constitute the official job descriptions for the classified service for the City. The City Administrator, or his/her designee, shall provide each Department Head and appointing authority with a set of the job descriptions authorized in that department. Such job descriptions shall be open for inspection by employees under reasonable conditions during regular business hours. It shall be the responsibility of the appointing authorities to report to the City Administrator any and all significant, permanent changes in the duties or responsibilities of positions within their departments. However, job descriptions are descriptive only, and not restrictive and shall not be held to exclude those duties and responsibilities which are not specifically mentioned, but are similar as to kind and level or directly connected to the functions of the position. Also, any specifications as approved may be subject to change predicated on City needs or Federal/State specification or requirements.

6.5 Use of Class Titles

Following the adoption of the classification plan and the assignment of positions in the classified service to classes therein, the class titles set forth therein shall be used to designate such positions on all official records, vouchers and payrolls.

6.6 Compensation Plan

6.6.1 Preparation of Plan:

A basic salary plan, directly related to the classification plan, shall be developed and maintained by the City Administrator. This plan shall consist of salary ranges, expressed in monthly or hourly rates, for each class of positions, which shall constitute the minimum and maximum rates of pay for each salary range. Salary ranges shall be proposed with due regard to ranges of pay for other classes, prevailing rates of pay for comparable work in other public and private employment in the area, cost-of-living factors, benefits received by employees, the financial condition of the City, and other economic considerations.

6.6.2 Adoption of the Plan:

The basic salary plan, as proposed by the City Administrator and adopted by the Board of Aldermen, or as amended in accordance with these policies, shall constitute the pay plan for the City of Harrisonville, Missouri.

6.7 Amendment of the Plan:

The pay plan may be amended in the same manner as prescribed for adoption of the plan.

6.8 Personnel Action Request:

A Personnel Action Request form must be completed before hiring any employee, whether regular full-time, regular part-time, temporary, seasonal or reserve positions.

6.9 Administration of the Pay Plan

6.9.1 Appointment Rate:

The minimum rate of pay for a class shall normally be paid upon appointment to the class. The rate above the minimum rate may be paid provided the appointing authority submits a written request justifying reasons for such action for approval by the City Administrator.

6.9.2 Date of Rate Adjustment:

Pay rate adjustments are effective on the first day of the first pay period beginning on or after (1) performance pay advance, (2) transfer, (3) promotion, (4) demotion, or (5) reclassification, unless otherwise determined by the City Administrator.

6.10 Performance Pay Increases:

Immediately following the successful completion of six months of regular full-time employment, a new or newly promoted employee may be eligible for a pay increase. This date will be the new yearly review anniversary date for the employee.

The employee may be eligible for an increase annually until he/she reaches the top of the salary range for his/her position. Increases in salary shall not be more often than once each year after the employee's initial six-month introductory period, except that the appointing authority may grant pay increases more frequently than once each year upon submission of an employee evaluation form and detailed written statements to the City Administrator specifying the employee's exceptional performance or the unusual employment conditions that make such action warranted. The City Administrator may approve such pay increase provided funds are available within the department's existing and approved budget.

6.11 Pay Rate Adjustments:

The following action shall affect the pay status of an employee in the manner provided. Such action must be reflected on a Personnel Action Request.

6.11.1 Transfer

When an employee is transferred between departments or divisions to a job of equal or higher classification, the salary rate of the employee will remain unchanged unless the employee's current rate is below the minimum rate established for the class to which the employee is transferring; in which event, the employee's salary shall be increased to the minimum rate for the class in the new department or division. When an employee is transferred between departments or divisions to a job of lower classification, the salary rate of the employee will be established within the range of the new classification by the appointing authority. Employees transferred to a different department begin a new period of 6 month's introduction.

6.11.2 Promotion

When an employee is promoted from a position in one class to a position in another class having a higher maximum salary rate, the salary rate of the promoted employee shall be increased to the minimum of the new range. The appointing authority, with the consent of the City Administrator, may establish a salary rate for the employee that is higher than the minimum wage for the class, so long as there are sufficient resources within that department's adopted personnel budget. The employee shall begin a new period of 6-month introduction.

6.11.3 Demotion

In the event an employee is demoted, the salary of a demoted employee will be determined by the Department Head or City Administrator and will be within the pay range of the position to which the employee is demoted.

6.11.4 Pay Anniversary Date

Upon promotion or demotion, an employee's pay anniversary date will be changed to the date of the promotion or demotion.

6.12 Reclassification or Reevaluation:

If a position is reclassified to a higher salary range or the salary range for an established classification is reevaluated to a higher maximum rate, the incumbent employee's comparative salary within the new range shall be changed only if it is below the minimum salary for the new range. If the reclassification is to a lower salary range or the reevaluation is to a lower maximum rate, the incumbent employee shall retain his or her present salary, and such employee shall not be eligible for further increases until his or her salary is again within the new salary range. This decision is up to the discretion of the City Administrator.

6.13 Pay Differential

The City Administrator, at his/her discretion, may approve a pay differential, not to exceed 4% for a period not to exceed three (3) months duration, to personnel subject to exceptional pressures, requirements, responsibility and demand for performance due to significantly increased duties over and above those normally associated with the employee's position. The City Administrator, pursuant to this subsection, shall approve no pay differential until after review and concurrence by the employee's Supervisor

6.14 Overtime and Compensatory Time

6.14.1 General Provisions

General (non-Public Safety) non-exempt employees, except as provided herein, who work in excess of forty (40) hours per week shall be paid overtime at the rate of one and one-half (1 1/2) times the employee's regular hourly rate, or compensatory time off work equal to the overtime payment, for each hour worked beyond 40 in a week. Employees will be paid overtime unless the employee elects to receive payment in the form of compensatory time off. If an employee works a holiday, is unable to take it off at a later date, and is then paid for the holiday, that pay shall not be counted as work. The workweek starts at 12:01 A.M. Monday and ends at midnight, Sunday night. Work shall not include vacation, holidays, sick pay, compensatory time off or jury duty. Failure to obtain prior supervisor approval for hours worked in excess of 40 hours in a work week may be cause for disciplinary action. Supervisors have the authority to adjust an

employee's work schedule in order to avoid overtime. An employee shall not be allowed to exceed more than eighty (80) hours of accumulated compensatory time except upon written request and approval by the City Administrator. Overtime work, for the non-exempt employee, which would result in compensatory time above the eighty (80) hour limits, shall be paid at the employee's overtime rate. Upon termination, an employee shall be paid for all compensatory time accumulated.

6.14.2 Exempt Employees

Exempt employees are not eligible for overtime or compensatory time. It is understood that exempt employees shall work the hours necessary to assure the satisfactory performance of their departments and as governed in the Fair Labor Standards Act.

6.14.3 Public Safety Employees

Work by non-exempt Public Safety personnel in excess of their regular hours of work as established in Section 7.1 of this manual shall be considered overtime. Police and Fire Personnel will be paid one and one-half times the employee's regular rate for hours worked in excess of those specified by department policy in compliance with Section 29 CFR 553.230 (§207 (k) of the Fair Labor Standards Act).

6.14.4 Compensatory Time Option:

All new employees hired by the City shall advise the City in writing as to whether or not they desire an agreement related to compensatory time off as opposed to overtime pay.

6.15 On-Call Payment, Call Out and Court Time Payments

6.15.1 On-Call Payment

The City will compensate non-exempt employees that are periodically required to be on-call and are designated within their department as being on-call, with two hours of regular pay for each full week (seven consecutive calendar days) of on-call duty. Being on-call requires that the employee be reachable by telephone or page and be able to respond to afterhours service within 30 minutes of being summoned. On-call status is not considered work time. Management will make every effort to make employees aware of their on-call status well in advance so that it provides minimal interference with personal pursuits. On-call status will be rotated amongst employees so that no employee is overburdened. Employee requests to volunteer for on-call status will be considered.

In establishing on-call duty the Department Head shall document the need by describing circumstances whereby life and or property are threatened. The following criteria shall be utilized to determine whether or not on-call duty is appropriate:

- a. An anticipated emergency situation exists, and there is a high likelihood that the emergency will occur.

- b. The situation is expected to exist for an extensive period of time.
- c. The situation is outside normal working hours.
- d. Overtime, compensatory time and call back will not adequately address on-call periods.

The City Administrator shall determine the number of on-call positions needed.

6.15.2 Call Out Payment

All employees who have completed their regular work schedule and left their normal place of work and who are called back to perform unscheduled emergency work, shall be compensated for not less than two (2) hours at a rate of time and one-half. Department supervisors will make the determination on whether work being performed meets the Call Out stipulated guidelines. After an employee has been called out under the above stipulated guidelines, that employee shall receive no additional compensation for any additional call within that stipulated two (2) hour time period beginning with the original call out. All hours worked under the above stipulated Call Out guidelines shall be paid at a rate of time and one-half. Employees who are called to work less than one hour before the beginning of their normal work schedule do not qualify for the minimum two-hour (2) payment. Pay for call in begins at the time the employees arrive at the work site. Only hours actually worked will be counted for determining eligibility for overtime compensation. The City will pay no meal allowance.

6.15.3 Court Time Payment

Any employee required to appear in court arising from your position with the City, shall receive his/her regular rate of pay and be granted time to appear.

6.16 Payroll Deductions

Deductions approved by the City Administrator will be made from an employee's paycheck upon written authorization by the employee or a court order and will continue until a written request/statement that such deductions cease.

6.17 Employee Benefits- Premium Only Benefit Plan (Section 125 Internal Revenue Code)

6.17.1 Purpose and Allowed Deduction on a Pretax Basis

The purpose of providing employees benefits through Section 125 is to allow them to make pretax payroll deductions for the purpose of paying premiums on insurance products. The City will allow an employee to make pretax deductions from their payroll check to be applied toward the following insurance benefits through the plan:

- a. Health Insurance- including premiums and contributions to a flexible spending account and contributions to a health savings account

- b. Dental Insurance
- c. City-sponsored Supplemental Insurance (i.e. Aflac products)
- d. Vision

6.17.2 City's Contribution to Employee Benefits

Regular full-time employees of the City shall be eligible for life, major medical, vision, dental and disability insurance provided by the City. The City may pay for a portion, or contribute to, the employee insurance benefits as determined by the enacted budget. The City may also pay for a portion, or contribute to, insurance benefits for the employee's spouse, dependent, and or family as determined by the enacted budget. The employee shall pay insurance premiums not paid by the City. For employees who enroll in these programs, the effective date of coverage shall be the first day of the calendar month following employment unless starting on the first day of the month at which time coverage is immediate. The lookback period the City observes for the Affordable Care Act (ACA) is the 12 month period that runs a calendar year, January 1 to December 31.

- a. The City will contribute any unused portion of the City's contribution to major medical and vision insurance premium payment to that employees Health Savings Account for an employee enrolled in the High Deductible Health Plan.
- b. Employees may elect not to use the City's insurance benefits by showing proof of similar coverage through another source. Notwithstanding the foregoing an employee may request a waiver from this requirement from the City identifying the specific reason for the request.
- c. The City will not contribute funds to any insurance benefit that is not provided by the City.
- d. During authorized leave of absence with pay, the coverage shall be continued. Employees will be responsible for paying their own health, life and dental insurance while on approved leave of absence without pay in excess of one week unless on approved FMLA or military leave.

6.18 Traveling/Training Expense Reimbursement Policy

6.18.1 Purpose

The purpose of this policy is to establish a uniform procedure for reimbursing City officials, officers and employees for travel and related expenses incurred while carrying out official duties, conducting City business, or attending professional conferences and training courses.

6.18.2 Definitions

"Expenses" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City.

“Employee” shall include all persons employed by the City and all elected and appointed officials of the City, including members of the Board of Aldermen and all Boards and Commissions of the City when such members are acting in their official capacity.

6.18.3 Allowable Expenses

Expenses for which an employee may receive a travel advance or reimbursement when traveling as an official representative of the City shall include:

- a. Transportation - The mode of transportation should be selected based on the distance, costs, time involved and the purpose of the trip. Before a travel expense may be reimbursable, the method of travel must be pre-approved by an employee’s Supervisor. Whenever practicable, the least expensive form of transportation should be used. If a city vehicle is available and the employee decides to take their own vehicle, the city will not pay for mileage. Air transportation expenses must be supported by documentation, which reflects the destination, dates of travel and cost. **Mileage for personal owned vehicles will be paid at the current year Internal Revenue Service Standard Mileage Rates as published.**

The employee, with prior approval, may use his/her personal vehicle in lieu of air transportation. The employee will either receive: (1) the “cash equivalent” for use of his/her personal vehicle; the “cash equivalent” will be based on the lowest airfare in effect 30 days prior to the employee’s departure date; or (2) will be reimbursed at the mileage rate established annually by the City Administrator, whichever is less. The City will consider mileage to be from city hall to the destination (and back) based on the shortest route.

The City is not liable for damage to an employees’ private/personal vehicle that is used for city business.

The rental of a vehicle from a private agency will be reimbursed if it is necessary, justified, approved in advance and is used for a specific period of time (when neither City nor personal vehicle is used). Employees are expected to rent the smallest sized vehicle to meet their needs and they will not be reimbursed for personal use, i.e., sightseeing. The City’s insurance policy will cover the employee’s liability and collision in a rental vehicle provided the City rents the vehicle. Most major agencies do not require additional coverage or deposits; therefore, this expense will not be reimbursed.

The use of buses, limousines or taxis should be governed by the local ground transportation available between the airport and the hotel/motel and the most economical cost and/or availability. Receipts should be obtained for these charges. Tips for taxi drivers, baggage handlers, etc., for a reasonable and customary amount, should be reported separately.

- b. Lodging- It is expected that all employees will endeavor to return to their permanent residence as soon as possible after the conclusion of the conference, business meeting or other approved trip. On one-day trips or at the conclusion of a longer trip, lodging will be reimbursed only in connection with travel, which would preclude the employee from arriving home before 10 p.m.

Employees shall stay in a hotel/motel, which is reasonably close and convenient to the place where the conference, business meeting or seminar is held and such accommodations will be modestly priced for the local market. If possible the lodging costs should be billed directly to the City or reserved by the use of the City's credit card. If this is not acceptable, then the costs should be paid directly to the vendor by having the Finance Department issue a check prior to the employee's departure. Lodging costs will be based at the "one person, one bed" rate and must be supported by receipts. The individual shall pay any additional charges due to a guest, such as a spouse, staying in the room. Whenever available, the lower government rate or conference rate must be used.

- c. Meals - The cost of all meals while on official City business will be reimbursed to a maximum established by the U.S. General Services Administration (GSA).

It is expected that employees will exercise good judgment when dining and such meals should generally meet the same standards as if the employee were bearing the cost. All meal costs must be supported by itemized receipts. The employee will not be reimbursed for any alcoholic beverages.

For travel beyond the local area (i.e., greater than a 50-mile radius from Harrisonville), reimbursement will be made on the following basis: (1) When travel commences before 7:00 am, breakfast will be reimbursed; (2) When travel extends over the period 12 noon to 1:30 p.m., lunch will be reimbursed; and (3) When travel ends after 6:00 p.m., dinner will be reimbursed.

When deemed appropriate by the Supervisor, meal costs for local training may be eligible for reimbursement but must be approved by the City Administrator prior to incurring the expense.

- d. Registration Costs - Conference registration costs will be paid directly to the sponsoring institution. The request for payment submitted to the Finance Department should include a copy of the completed registration form. Pre-registration is required whenever possible, especially if this results in a reduced rate. Cancellations are to be made as soon as possible in order to obtain the maximum refund. Entertainment type activities that are included as additional registration fees are the individual's responsibility.

- e. Other Reimbursable Expenses - All telephone, fax and postage costs incurred during the travel, which are necessary for City purposes, are reimbursable. The employee should use the most economical means of communication. One personal long-distance telephone call per day to home will be allowed; however, such calls should be made when lower evening rates are in effect and should be reasonable in length unless an unusual circumstance justifies an exception. These charges should be so noted on the lodging bill if made from the hotel. If the call is made using a personal calling card, the employee should submit a copy of his/her personal telephone bill as documentation. Phone calls charged on the City telecommunications charge cards or made from a City cellular phone are billed directly to the City; therefore, no reimbursement should be requested.

Parking and toll fees for business activities - receipt required; fuel when driving a city vehicle - receipt required; car washes in a reasonable amount; laundry for extended leaves lasting longer than five days - receipt required; valet parking - receipt required; money orders or travelers checks purchases - receipt required.

- f. Miscellaneous – The reimbursement of expenses not discussed herein, or not approved prior to being incurred will be at the sole discretion of the City Administrator.

6.19 COBRA

The City's COBRA plan is administered by an outside agency. Upon electing to participate in one of the City's health plans, each employee will be notified by mail about his/her COBRA rights. If an employee experiences a COBRA qualifying event, he/she will be sent a more detailed notice and application for continuation of benefit coverage. In the event of an employee's divorce or a dependent ceasing to be eligible for dependent coverage, the Human Resources Department must be notified within thirty (30) days.

Additional information about COBRA is available from the Human Resources Department. If you have any concerns that your rights are not being protected, contact the Human Resources Department immediately.

6.20 Retirement Plan

All qualified regular City employees shall be members of the Missouri Local Government Employee Retirement System (LAGERS).

6.21 Travel Time Compensation

The City will compensate an employee for travel time in accordance with the Fair Labor Standards Act.

6.22 Vacation Combined with Official City Travel

Employees wishing to combine a vacation by private vehicle with business or conference trip must have their Supervisor's approval, or where appropriate, the City Administrator's approval.

6.23 Travel Advances

Travel advances should be limited to those items which cannot be prepaid, such as meal costs, transportation costs and for projected expenses which would pose a financial burden to the employee. Requests for travel advances must be approved by the Supervisor and submitted to the Finance Department. The Finance Department may then advance payment of projected expenses if the projected expenses to be incurred by particular employees would pose a financial burden on such employees. If such advance is authorized, then the voucher for the expenses actually and necessarily incurred and the balance of the advance remaining (if any) shall be submitted to the Finance Department according to the procedure established herein for expense reimbursement. Employees shall not be given a travel advance unless all prior travel expense vouchers have been submitted and approved.

6.24 Procedure

Any employee incurring an expense and seeking reimbursement shall prepare, on a form provided by the Finance Department, a voucher of such expenses which has been certified by the employee as being true and accurate. The voucher shall be submitted to the Supervisor for review and approval, unless otherwise provided herein. The employee shall be reimbursed only for those expenses, which have been properly incurred. The City Administrator shall submit his/her vouchers to the Mayor for approval.

The City Administrator shall approve all Travel Expense Reports.

Each Supervisor shall be responsible for ensuring that expenses incurred for travel and training by employees under his/her supervision are essential to their functions and expenses are reasonable and justified. In order to maintain cost control, the Supervisor shall approve, in advance, each proposed trip or activity; review and approve all expenses reported for reimbursement in accordance with the specific provisions outlined below; and review and evaluate these expenses as a guide for future authorization.

The City reserves the right to perform an audit of any expenses submitted by an employee for reimbursement. The Finance Department has the responsibility for performing such audits from time to time. Any findings of misrepresentation will be forwarded to the City Administrator and Supervisor for appropriate action.

It is the responsibility of the Director of Finance or his/her designee to ensure full compliance by all employees with the procedures set forth in this policy; have all expense reports reviewed for mathematical accuracy, required receipts and authorized approval; review reported expenses for reasonableness and to make inquiries as deemed appropriate; and return all expense reports that

are not in compliance with this policy or that require additional documentation, to the responsible individual for appropriate action/response.

Employees are required to submit vouchers and any other expense reports within five (5) days of the completion of any business trip or activity along with a copy of the conference agenda or class agenda.

6.25 City-Owned Vehicles

If a City vehicle is available for the purpose of conducting official City business the employee is required to use that vehicle. Employees may be permitted by a Dept. Head to use a private vehicle for conducting official City business if a City vehicle is not assigned or available in their department. All employees who drive City vehicles or personal vehicles on City business, are expected to exercise due diligence in driving safely and adhere to all local, state, and federal laws, as well as this Personnel Policy. Specifically, users of City vehicles must comply with the following:

- 6.25.1 Any person operating a vehicle on official City business must obey all applicable local, state, and federal laws relating to the lawful operation of a motor vehicle, including the use of seat belts.
- 6.25.2 Ensure the security of all vehicles and contents of vehicles. Keys must be removed from the vehicle while not in use and the vehicle locked. Any confidential documentation or information contained in the vehicle must be removed and secured as well. Employees must immediately report any accident, theft or malicious damage involving a City vehicle to their supervisor or Department Head, regardless of the extent of damage or lack of injuries. The supervisor or Department Head will be responsible for reporting the incident to the City Administrator.
- 6.25.3 Cell phone use is prohibited (phone, text, or any other available service) while operating a City vehicle or while operating any vehicle while on City business.
- 6.25.4 The City Administrator or Department Head must provide prior approval before a City vehicle may be used. Individuals are required to inform their supervisor or Department Head of anything that may affect either their legal or physical ability to drive or their continued insurability.
- 6.25.5 Employees who drive a personal vehicle on City business must, in addition to meeting eligibility requirements previously mentioned in this policy, carry liability insurance and ensure that their personal vehicles meet all state and legal standards for maintenance and drivability. The City does not provide primary automobile insurance for personal vehicles. Employees are also responsible for any driving infractions or fines as a result of their driving.

- 6.25.6 Only employees and other individuals directly involved in the conduct of City business shall be permitted to ride in a City-owned vehicle. In certain situations, with the approval of the City Administrator, exceptions to this policy may be made for law enforcement. Under no circumstances may anyone other than an authorized City employee be allowed to operate a City-owned vehicle.
- 6.25.7 Any traffic violation, parking ticket, or other fine or violation will be the sole responsibility of the employee.
- 6.25.8 The City reserves the right to review annually or anytime deemed necessary the Motor Vehicle Record of any employee authorized to operate a City vehicle or a personal vehicle while conducting City business.
- 6.25.9 All City-owned vehicles except those used by the police department and City Administrator, Public Works Director, and Emergency Services Director will be left at their "base" location after hours and during weekends. Exceptions may be approved by the City Administrator if necessary.
- 6.25.10 Vehicles are not to be taken out of the City limits unless on official City business or as approved by the Supervisor or City Administrator.

6.26 Longevity Pay

The City would like to congratulate and honor regular full-time employees that have served an extended amount of time with the City. After ten years of service, the City employee will receive \$400 a year. After fifteen years, an employee will receive \$600 a year. After twenty years, \$800 a year will be received and after twenty-five years or more \$1,000 a year. For the determination of Longevity Pay, years of service shall be determined on the anniversary of an employee's appointment date to a full-time position. Longevity payments will be received annually with the first payroll of December. The Longevity payment received in December will reflect the number of years of service achieved during the calendar year. Should an eligible employee leave the City's employment after the anniversary of their appointment date to a full-time position but prior to the first payroll in December, the employee will receive their longevity pay with the final payroll check.

Additionally, in recognition of continuous and faithful years of service, employees will be recognized with a certificate of appreciation and will be given the opportunity to order a gift. The cost of the gift is determined by years of service as follows:

- 6.26.1 Ten (10) years of service \$30
- 6.26.2 Fifteen (15) years of service \$40
- 6.26.3 Twenty (20) years' service \$50

6.26.4 Twenty (25) years of service \$60

6.26.5 Thirty (30) years of service or more \$75

6.27 Tuition Assistance

It is the policy of the City to encourage employees to increase their education as it relates to their job responsibilities with the City. This policy sets out the guidelines for reimbursement of tuition expenses incurred by employees.

Any regular employee who wants to take an educational course or courses that pertain to his or her employment with the City may apply for tuition reimbursement, subject to the following conditions.

- 6.27.1 The educational course must relate to the employee's employment with the City. The city reserves the right to determine the value and relevance of the requested course to the employee's employment with the City.
- 6.27.2 The educational course must be approved in advance by the employee's department director and the City Administrator.
- 6.27.3 Reimbursement will be made up to \$1,200.00 for any one employee in any one calendar year.
- 6.27.4 The educational course must be given by an accredited degree-program college or university.
- 6.27.5 Reimbursement of tuition expenses will be made only upon completion of the course with a grade of "C" or better. Books, lab fees and other expenses are not reimbursable.
- 6.27.6 Reimbursement will be made only for tuition expenses actually paid by the employee. Tuition paid by grants, scholarships, military education programs, or other sources of funding which the employee is not required to repay will not be reimbursed.
- 6.27.7 The request for reimbursement must be made on a form provided by the City, which will include an agreement by the employee to reimburse the City the tuition expenses paid by the City should the employee separate from employment with the City for any reason at any time within twelve months from the date of completion of the course. Said form will also include the employee's consent to withholding of monies from the employee's final paycheck to be applied to the tuition reimbursement.

SECTION 7

HOURS OF WORK AND LEAVE7.1 Hours of Work

The regular hours of work for regular employees of all City departments, shall be as follows:

	Hours in Work Period	Days in Work Period
Office, Public Works, Parks, Animal Control, Dispatchers	40	7
Emergency Services (Fire/EMS)	24 hour shifts, 96 or 120 hours	14
Police	84	14

7.1.1 Lunch Period

Each general employee will take a one-hour lunch period during his/her shift. Each emergency service department employee shall take lunch periods in accordance with department policy.

7.2 Attendance

Regular attendance and punctuality is required of all City employees. Absenteeism and tardiness place a burden on other employees and may delay citizens in the transaction of business with the City.

Any employee who is unable to report to work as scheduled, must advise his Supervisor as soon as practicable.

An employee who fails to observe attendance requirements or procedures for recording and reporting of attendance may be subject to disciplinary action up to and including termination of employment.

Supervisors may authorize time off. Each Supervisor shall keep daily employee attendance records, which shall be reported to the payroll department by 10:00 a.m. on Mondays. If Monday is a holiday, Supervisors shall submit the records to payroll the next regular work day by 10:00 a.m. A leave request shall be prepared and approved in advance and forwarded to the payroll department by the Supervisors for the affected employee's absence including vacation, holiday, personal hours, compensatory time and other approved absences.

7.3 Holidays

7.3.1 General Provisions

All regular employees (whose shifts are less than 24 hours) shall receive normal compensation for eleven (11) legal holidays listed in this section, provided the employee works the last regularly scheduled work day prior to and following the recognized holiday. With regard to holiday pay, the utilization of accrued leave or jury duty will be considered time worked, though proof of incapacity or sick leave may be required by the Supervisor and the City Administrator.

The eleven City holidays are:

New Year's Day	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Christmas Holiday
Labor Day	

Whenever one of the designated holidays falls on Sunday, the following Monday shall be observed as the holiday; whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Temporary, part-time, seasonal and reserve employees are not eligible for holiday pay. Regular part-time employees will receive holiday pay in proportion to their part-time schedule if the holiday falls on their regular scheduled work day.

The schedules for the two Christmas Holidays are as follows

<u>If Christmas is on:</u>	<u>Days Off Are:</u>
Sunday	Monday and Tuesday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Tuesday and Wednesday
Thursday	Thursday and Friday
Friday	Thursday and Friday
Saturday	Thursday and Friday

7.3.2 Employees Required to Work on Holidays

Employees who are required to work a full shift on a holiday, or whose regular day off falls on a holiday, with the exception of fulltime police and emergency services employees, may be given another day off in observance of the holiday. Employees who are police shall receive holiday pay of 12 hours straight time and emergency services shall receive 24 hours of straight time.

Said holiday must be taken within ninety (90) days and must be taken as an entire workday unless the option to receive pay for the holiday has been chosen. An extension may be granted by Supervisor & City Administrator should circumstances, related to duty, prevent an employee from taking the holiday within 90 days. Employees responding to call-out on a holiday are subject to normal overtime provisions or compensatory time.

7.4 Vacation Leave

7.4.1 Generally

All regular full-time employees in the municipal service shall receive 1/26 of annual accrued vacation leave credit on each bi-weekly check. Regular part-time shall be eligible for vacation time equivalent to their yearly budgeted part-time hours divided by 52 but shall not be allowed such time until after 1 year of employment. Vacation time may not be accrued beyond 1 year for regular part-time employees.

7.4.2 Vacation Accrual

All regular full-time employees of the City shall accrue vacation leave credit to the following annual maximums:

<u>Years of Continuous Service</u>	<u>Accrued Hours Per Pay Period</u>	<u>Total Annual Hours</u>
<u>40 Hour Work Week and Police Dispatchers</u>		
1 through 5	3.08	80
6 through 15	4.62	120
Over 15	6.16	160
<u>Police Department Employees with 84 Hour Work Period</u>		
1 through 5	3.24	84
6 through 15	4.85	126
Over 15	6.47	168
<u>24 Hour Shifts, 96 or 120 hours</u>		
1 through 5	4.31	112
6 through 15	6.47	168
Over 15	8.62	224

Accrual each year shall start with the first full month following the employee's hire date.

7.4.3 Holidays Observed During Scheduled Vacation

Said holiday shall be counted as a holiday and not a vacation day.

7.4.4 Vacation Leave

Vacation leave shall be taken during the year it is accrued or during the year following its accrual except as stated in Section 7.4.5. Annual vacation leave accrued for employees shall not exceed the maximum allowed at the end of the fiscal year.

At the end of the City's fiscal year, employees having more than the allowed accrued hours will lose those excess hours.

7.4.5 Vacation Scheduling

A regular full-time employee may take no vacation leave until he/she has been in the service of the City continuously for a period of six (6) months. Supervisors shall schedule vacation leave with regard for operating requirements, seniority of employees, and insofar as possible, with the request of the employee. An employee should request vacation time as soon as possible. Unless special circumstances exist, vacation time should be requested two weeks prior to vacation time being used and no less than (forty-eight) 48 hours prior to desired time off.

7.4.6 Effect of Employee's Termination

Employees who are separated from the City service shall be compensated for vacation time accrued up to the date of separation, to the maximum accruals stated in Section 7.4.2. Accrued vacation time compensation will only be given to those employees who provide two (2) weeks written notification. This requirement may be waived at the sole discretion of the City Administrator. This compensation will be at the employee's pay rate at the time of termination. The City Administrator shall deduct from any ordinary vacation pay any sums which such employee may owe to the City, and such employee shall be entitled to receive only the amount of such vacation pay, less the amount of such deduction.

7.4.7 Pay in Lieu of Vacation

Pay in lieu of vacation will only be granted when the Supervisor and City Administrator affirm that the employee cannot take vacation without jeopardizing the City's services.

7.5 Personal Leave Hours

All regular fulltime employees will be granted personal leave hours, per year, as follows:

<u>Hours in Work Period</u>	<u>Personal Leave Hours</u>
40	8
84 and Police Dispatchers	12
24 Hour Shifts, 96 or 120 hours	24

Hours will be credited on January 1st each year and cannot be carried over to the next fiscal year. Personal hours may only be granted in one-hour increments. Personal hours shall be prorated quarterly for all new hires.

7.6 Sick Leave

7.6.1 General Provisions

All regular full-time employees in the City shall earn sick leave credit on a monthly basis for each calendar month actually worked. Employees working a 40-hour work week, and Police Dispatchers, shall accrue sick leave at the rate of 3.70 hours per pay period; employees of the Police Department on an 84-hour work period shall accrue 3.88 hours per pay period; and employees working a 24 hour (96 or 120 hours work period) shift shall accrue sick leave at the rate of 5.54 hours per pay period. New employees shall begin accruing sick leave on the first day of the pay period following their employment. The maximum amount of sick leave that may be accrued shall be as set out below:

<u>Hours Work Period</u>	<u>Maximum Sick Leave Accumulation</u>
40 Hours and Police Dispatchers	960 Hours
Police Department Employees with 84 Hour Work Period	1008 Hours
24 Hour Shifts, 96 or 120-hour work period	1440 Hours

7.6.2 Use of Sick Leave

Sick leave may never be taken in advance of earning the time. Use of accrued sick leave may be taken only for pre-scheduled medical and dental appointments for an employee, his/her spouse, children, step-children, parents, or any other person they may be legal guardian of, or actual illness or disability to him or herself, to his/her spouse, children, step-children, parents or any other person they may be legal guardian of. Sick leave must be called in for verbal approval from the Supervisor and written request for such leave must be submitted on the next work day following the absence. An absence due to sickness, injury or disability in excess of accrued balance shall be charged against compensatory time accrued, vacation time accrued, personal leave or leave without pay, in that order.

At the time an employee retires, the employee will receive one day of earnings, at the employee's current rate, for each five (5) days of total accumulated unused sick leave. Upon employee leaving employment with the city, but not retiring, and having given two-weeks' notice of leaving, after 5-10 years of employment, he/she will receive one day of earnings, at the employee's current rate, for each 12 days of total accumulated unused sick leave. After 11+ years of service, an employee will receive one day of earnings, at the employee's current rate, for each 8 days of total accumulated unused sick

leave. Sick leave shall not be granted during the last two (2) weeks of an employee's tenure. Any absence during the last two (2) weeks will be charged to compensatory time, vacation or leave without pay, in that order. Terminated employees are not eligible for compensation for sick leave.

On an annual basis, in January, employees who have used no sick leave during the preceding 12 calendar months may elect to convert those sick hours accrued during the prior calendar year that are in excess of 500 hours. The conversion schedule will be one (1) hour of earnings at the employee's then current rate, for each three (3) hours of unused sick leave accrued that year. Maximum annual amount eligible for conversion shall be:

<u>Work Week</u>	<u>Maximum Conversion Allowed</u>
40 Hours and Police Dispatchers	96 Hours
Police Department Employees with 84 Hour Work Period	100.8 Hours
24 Hour Shifts, 96 or 120-hour work period	144 Hours

Hours donated according to sick leave donation policy shall not be counted as "sick leave used" as defined in this sick leave conversion policy.

7.6.3 Absence Verification

When absence is for three (3) consecutive work days or more, or for more than one 24-hour shift, the employee will be required, before returning to work, to file a written statement by a physician certifying that the employee's condition prevented him/her from appearing for work. Or, in the case of caring for a child, spouse, or parent, that the employee was needed to care for the child, spouse, or parent. The employee will provide verification of absence to his/her Supervisor by the start of their regular workday.

7.6.4 Abuse of Sick Leave

If it appears that an employee may be abusing sick leave, the employee will be counseled that continued abuse of sick leave will result in a requirement to furnish a medical certificate for each subsequent absence of sick leave, regardless of duration. If the abuse of sick leave continues, the employee may be notified in writing with a copy to the City Administrator that for a stated period, all future requests for sick leave must be supported by a medical certificate certifying the incapacitation from duty and the duration of the incapacitation prior to the sick leave being approved.

Employees may be required to furnish a medical certificate for each absence of sick leave which occurs immediately before or after a paid holiday, or before or after a weekend or

other period when the employee is not required to work. The request for a medical certificate can be made either before or after the employee's return to work. An employee who abuses sick leave will be subject to disciplinary action up to, and including, termination.

7.6.5 Sick Leave Donation Policy

In the event that an ill or injured full-time City employee has exhausted all sick leave, accrued vacation, accrued holiday and any accumulated compensatory time, he/she may be eligible for a donation of sick leave from any full-time employee of any department.

The donating employee must have at least one year of full-time service with the City. An employee is permitted to donate his/her sick time to any employee who is in the same pay classification or lower. Employees may not donate to a Department Head or an individual with supervisory authority over such employee.

Any donated sick leave hour must have been accrued in prior calendar years.

An employee will not be permitted to donate his/her sick time if doing so would result in that employee's accrued sick leave balance being reduced below 96 hours and the accrued vacation leave balance being reduced below 120 hours..

The ill or injured employee is eligible to receive sick leave donations until he/she reaches his/her 91st consecutive day of leave, or until disability insurance benefits are received. The employee receiving the donation will be credited with one hour's compensation at the employee's normal rate, for each hour donated to and used by the employee. Any hours donated will be deducted from the sick/vacation leave time available by the donating employee.

An employee may not donate sick/vacation leave to an ill or injured employee who is actively working.

Donated time must be in increments of four (4) hours. Names of individuals donating leave will remain anonymous.

Donated sick/vacation leave will be distributed at the time the donation is made. Once sick/vacation leave has been donated the hours will be given to the ill or injured employee and not returned to the donating employee.

Sick hours donated shall not be counted as "use of sick leave" as defined in the sick leave conversion policy in Section 7.6.2.

Employees needing to utilize the policy will contact the Human Resource Department to initiate the process. Information will be distributed throughout the organization that the employee is initiating the policy. Those employees that are interested in donating some

of their sick/vacation leave to an employee in need should contact the Human Resources Department.

7.7 Family and Medical Leave Act/Military Family Leave

To qualify for Family and Medical Leave or for Military Leave, an employee must have worked at least 1250 hours in the twelve (12) months immediately preceding a leave request. The employee must have also worked for the City for at least one year. If you have questions regarding your eligibility, contact the Human Resource Personnel.

7.8 Family and Medical Leave

Qualifying employees will be granted up to twelve (12) weeks of unpaid leave during a twelve (12) month period based on a rolling calendar year for a child's birth, adoption or foster care arrival. Leave may also be granted to care for a spouse, parent or child with a serious health condition, or for an employee's own serious health condition which prevents the employee from performing the functions of his or her position. A serious health condition may include any illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or a condition which renders the employee unable to work for at least three days and requires continuing treatment by a health-care provider.

** Questions regarding an employee's eligibility for family and medical leave should be directed to the Human Resources Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resources Department for information.

7.9 Military Caregiver Leave

The City will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered service member is also a veteran who is undergoing medical treatment, recuperation or therapy for a serious illness or injury and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the five-year period preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

A serious injury or illness is one that was:

- (1) incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating;

- (2) incurred by the covered service member before the member's active duty and was aggravated by service in the line of duty while on active duty; or
- (3) incurred in the line of duty while on active duty, or which existed prior to the active duty but was aggravated by service in the line of duty while on active duty, and that manifested itself either before or after the covered service member became a veteran.

****** Questions regarding a military caregiver's eligibility for family and medical leave should be directed to the Human Resource Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resource Department for information.

7.10 Military Exigency Leave

The City will grant an eligible employee up to 12 work weeks of unpaid leave during a single 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the regular Armed Forces.

Qualifying exigencies may include: issues arising from a covered military member's short-notice deployment, military events and related activities (such as official ceremonies or programs), certain childcare and related activities arising from the call to active duty, making or updating financial and legal arrangements to address a covered member's absence, attending counseling provided by someone other than a health care provider, spending time (up to five days) with a covered military member who is on short-term, temporary rest and recuperation leave during deployment, attending to certain post-deployment activities such as arrival ceremonies, reintegration briefings and events, addressing issues arising from the death of a military member, and any other event that the employer and employee agree is a qualifying exigency.

****** Questions regarding an employee's eligibility for military exigency leave should be directed to the Human Resource Department. Because the Family and Medical Leave Act is extensive, and not all portions are reproduced in this handbook, if you believe that your leave may qualify under the Family and Medical Leave Act, please seek the assistance of the Human Resource Department for information.

7.11 Use of Paid Leave

Employees are required to exhaust all accrued compensatory time, personal leave, sick leave and vacation leave prior to receiving unpaid leave. In other words, employees are required to utilize their accrued leave concurrently with their unpaid leave. Once an employee has

exhausted his/her accrued compensatory time, personal leave, sick leave and vacation leave, the remainder of the employee's FMLA leave will be unpaid.

7.12 Notification/Certification

There are both notification and certification requirements for both family and medical and military family leave. An employee should consult the Human Resource Personnel with regard to the specific requirements applicable to the type of leave sought. Inquiries brought to a supervisor or Department Head regarding FMLA, including eligibility, notification and/or required certification, should be brought to the attention of the Human Resource Personnel.

7.13 Benefit Coverage During Leave:

During a period of family and medical leave, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before leaving. Failure of any employee to pay his or her share of the health insurance premium may result in loss of coverage. The employee shall contact the Human Resources Department to discuss payment procedures for health insurance and other payroll deductions.

If the employee fails to return to work after the expiration of the family leave, the employee will be required to reimburse the City of Harrisonville for payment of health insurance premiums during the family leave, unless:

- (1) the employee utilized accrued leave during his/her absence or;
- (2) circumstances beyond the employee's control;
- (3) the employee does not return due to the continuation, recurrence or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to FMLA leave.

Accruable time (i.e., sick leave, vacation, personal, holiday) shall discontinue accruing and all the benefits, excluding health insurance (which shall be paid for 12 weeks), shall discontinue being paid by the City when an employee on family leave exceeds one month of unpaid leave. An employee who takes family and medical leave will not lose any seniority or employment benefits that accrued before the date leave began (excluding accrued time substituted for family and medical leave).

7.14 Extending Leave:

If an employee, who is on Family and Medical Leave, sees that he or she is going to have to extend the length of his/her absence from work due to continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, child or parent, he/she must submit a request for extension, in writing, to the employee's immediate supervisor and the City's Human Resources Department. This written request should be made as soon as the employee realizes that he or she will not be able to return at the

expiration of the leave period. A medical certification, of the need to extend the leave has to be provided by a health care provider.

7.15 Return from Leave:

An employee must complete a “Notice of Intention to Return from Leave” before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family and medical leave of absence, notification must be given to the employee’s supervisor and the City’s Human Resources Department at least five (5) working days prior to the Employee’s planned return.

7.16 Restoration to Employment:

An employee eligible for leave under the Family Medical Leave Act will be restored to his or her old position or equivalent position.

An employee who fraudulently obtains family or medical leave from the City of Harrisonville is not protected by the Family and Medical Leave Act for job restoration or maintenance of health benefit provisions.

7.17 Failure to Return from Leave:

The failure of an employee to return to work upon the expiration of a family and medical leave of absence will subject the employee to immediate termination unless an extension is granted as soon as possible.

7.18 Military Leave of Absence

The City will comply with all state and federal laws pertaining to leave for military purposes.

7.19 Modified Duty

7.19.1 Policy Statement

It is the policy of the City of Harrisonville, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. (Note: This policy should not be construed as recognition that an employee has a disability as defined by the Americans with Disabilities Act (ADA) of 1990 or any subsequent revision.)

7.20 Scope

This policy applies to all administrative, court, police, fire/EMS and public works employees.

7.21 Eligibility:

7.21.1 Temporarily unable to perform his/her essential duties, following an employment related injury or illness; and

7.21.2 Capable of carrying out work of a modified nature from his/her regular duties and is expected to return to his/her regular duties within 90 calendar days.

7.22 Process

7.22.1 Once notified of an on-the-job injury or illness, the department shall contact Human Resources who shall inform the employee in writing of the Modified Duty program.

7.22.2 The employee must be seen and evaluated by his/her physician to determine if the employee is able to return to work, and if so, with or without restrictions. At the time of the evaluation, the employee must inform the physician of the availability of Modified Duty.

7.22.3 When the employee is able to return to work with restrictions, the employee's physician shall submit his/her evaluation form, indicating the specific restrictions, and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician.

7.22.4 Taking into consideration the information provided by the physician, the employee's department, in consultation with the city administrator, will determine

if a temporary Modified Duty assignment can be offered. It should be understood that there may be instances in which the city will not be able to offer a Modified Duty assignment. If the employee's regular department is unable to meet the employee's need for Modified Duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a Modified Duty position in a different department which has been able to meet the employee's need for Modified Duty.

7.23 Compensation

In most cases, there will not be an adjustment in the compensation of the employee that is placed in a Modified Duty position. However, the employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. The salary and benefits of the employee will remain the responsibility of the original employing department, including during any period of temporary placement external to the department.

7.24 Offer of Modified Duties Position

Once the employee has been approved to participate in the Modified Duty Program, the city must provide a Modified Duty job offer letter. This letter shall include:

1. The position offered.
2. The location and duties of the position offered.
3. The wages and work schedule of the position offered.
4. The duration of the temporary work assignment.
5. A statement that the department will only assign a position/duties consistent with the employee's knowledge and skills, and will provide training if necessary.
6. A statement acknowledging that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.

7.25 Refusal of Modified Duties Offer

An employee may choose to accept or refuse the Modified Duty job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

7.26 Duration of Modified Duty

A Modified Duty offer will be extended for an initial period not to exceed ninety (90) calendar days. The duration of approved time will be based upon the information provided by the employee's physician. If the employee is unable to return to work at full duty after the initial

approved time, he/she may request a continuation of Modified Duty not to exceed a total of 90 additional calendar days in a Modified Duty capacity. An employee requesting an extension of Modified Duty, beyond the originally approved amount of time shall submit documentation to the city from his/her treating physician. This document should include what limitations continue to exist and the probable duration of those limitations from the employee's physician.

7.27 End of Modified Duty

An employee who is unable to return to his/her regularly assigned duties at the end of the Modified Duty agreement may request a leave of absence through his/her department or may elect to terminate his/her employment with the city. Provided the employee has exhausted any entitlement under the Family and Medical Leave Act (FMLA), the department has the option to approve or deny the leave of absence request. If Leave Without Pay is denied, employment with the city will be terminated. If the employee believes that the condition is permanent, progressive, or chronic, the employee may pursue the Americans with Disabilities Act Accommodation Policy to determine if they are a qualified individual with a disability.

7.27.1 For Assistance:

The City Administrator is responsible for administering the Modified Duty Program in consultation with the employee's department. Questions regarding the Modified Duty Program should be directed to human resources.

7.27.2 Benefits While Disabled Due to On-the-Job Illness or Injury. During any approved disability leave of absence an employee will continue to accrue vacation and sick leave as previously outlined. Additional employee benefits that are provided by the City and are in place at the beginning of the leave will continue as long as the employee is receiving Workman's Compensation benefits from the City. Accruable time (i.e., sick leave, vacation, personal, holiday) shall discontinue accruing and all the benefits, excluding health insurance (which shall be paid for 12 weeks) shall discontinue being paid by the City when an employee's leave exceeds one month of unpaid leave.

7.27.3 Effect upon Employee's Retirement. The provisions of Section 7 concerning the separation from the service of an employee for disability shall not be deemed, in any manner, to affect any right such employee may have to apply for, or receive, disability retirement or other retirement benefits to which such employee is entitled pursuant to the Local Government Employees' Retirement System.

7.27.4 Application for Disability Retirement. Any employee who is finally determined to be permanently disabled within the meaning of this Section 7 and who does not desire and who is not eligible for employment in a different position of the City service, and who formally applies for disability retirement pursuant to the Local

Government Employees' Retirement System laws and regulations shall follow the requirements of LAGERS.

7.28 Funeral Leave

An employee may be granted, by the City Administrator, 8 to 24 hours of leave as needed in the event of death of a member of the employee's immediate family. Eight (8) hours may be granted for the death of a member of the employee's extended family. Such leave shall not be deducted from the employee's sick leave or vacation leave.

7.29 Jury Leave

An employee shall be granted leave with pay during normal working hours for required jury duty or appearance in court as a witness as a result of performing their duties as an employee of the City or litigation involving the City. The check stub for any compensation for jury duty during the time when the employee would normally be working for the City shall be turned over to the Human Resources Department and the amount will be deducted from the employee's paycheck in the following pay period.

7.30 Court Witness

When an employee is involved as a witness or a party in litigation in which the City is not a party, he/she may be granted leave without pay or may use vacation, compensatory or personal leave.

7.31 Approved Leave of Absence without Pay

Supervisors, with the approval of the City Administrator, may grant a regular full-time employee a leave of absence without pay not to exceed:

<u>Work Period</u>	<u>Number of Hours</u>
40 Hours and Police Dispatchers	160
Police Department Employees	
With 84 Hour Work Period	168
42.5 Hours	170
45 Hours	180
24 Hour Shifts	212

Leave without pay shall be granted only when it will not result in prejudice to the interest of the City. No leave without pay shall be granted except upon the written request of the employee and the approval of the Supervisor and the City Administrator. Upon expiration of a regularly approved leave without pay, the employee may be reinstated in his/her former position or one of equal status and pay. Failure on the part of an employee on leave to report promptly at its expiration shall be considered to be a voluntary resignation. Employees granted leave of absence

without pay in excess of 5 consecutive working days in a month shall not earn vacation or sick leave credit or accrue any other benefits or service time provided herein unless otherwise stated. Employees will be responsible for paying their own health, life and dental insurance while on approved leave of absence without pay in excess of five (5) days. For 24-hour shift employees this will be in excess of 48 hours. Employees on Leave of Absence without pay will not be paid for holidays.

7.32 Unapproved Absence

Vacation or compensatory time leave must be approved forty-eight (48) hours prior to the date of leave. An employee who is absent from duty, including any absence for a single day or part of a day, without notice or prior authorization as provided by these rules shall be deemed to be on unapproved leave. Any such leave shall be without pay and the employee subject to disciplinary action, up to and including discharge.

7.33 Tardiness/Absence Due to Inclement Weather

Unless the Mayor or City Administrator declares otherwise, time off due to poor weather conditions will not be considered as special, compensable leave, but shall be treated as vacation, compensatory time and/or leave without pay.

7.34 Absence - Exempt Employees

In no event will an exempt employee lose pay for an absence of less than one day.

7.35 Voting Leave

An employee may request up to three (3) hours of leave time for voting unless the employee has three consecutive non-working hours to vote. Such leave must be requested prior to the day of election.

SECTION 8

SUBSTANCE ABUSE8.1. Policy Statement

The City, in a positive effort to provide a healthy and safe working environment for all its employees and the citizens of this community, adopts the following policy. The City believes that use of controlled substances and misuse of alcohol by City employees is detrimental to the achievement of these goals.

In order to meet the goals of providing safe and efficient service and a safe and healthy workplace, the City is implementing this policy to prevent alcohol and controlled substance abuse by its employees. This City will not tolerate unauthorized use, abuse, possession or sale of controlled substances or misuse of alcohol by any of its employees, including part-time and seasonal employees. Drug and alcohol testing will be an integral part of the City's program.

It is the policy of the City of Harrisonville not to hire or continue the employment of any individual who violates this policy. The purpose of this policy is to clarify, for employees, conditions under which drug or alcohol screening may be required, the testing procedures to be utilized and the consequences of positive test results.

8.2. Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug programs.

It should be noted that while this policy details the City's prohibition against the use of alcohol and drugs in the workplace, it is the position of the City that it would prefer to help, rather than punish, employees who abuse drugs and/or alcohol.

8.3. Safety-Sensitive Employees

Employees who perform safety-sensitive functions will be subject to random testing. The following is a list of City of Harrisonville's safety-sensitive functions:

8.3.1. Any employee required to obtain a Commercial Driver's License (CDL)

8.3.2. Public Safety Officers (Police, EMS, and Fire)

8.3.3. Communication Officers

8.3.4. Water Treatment Plant Operators

8.3.5. Animal Control Officers

8.4. Application

This policy applies to all safety-sensitive and non-safety-sensitive employees, paid part-time employees, seasonal employees, and contractors when they are on City property in an official capacity or when performing any City related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Meetings and functions, which are primarily social in nature, are not defined as performance in an official capacity for the purpose of this policy. Visitors, vendors, and contractor employees are governed by this policy while on City premises and will not be permitted to conduct City business if found to be in violation of this policy.

8.5. Employee Drug/Alcohol Education (All Employees)

Each employee shall be given a copy of the City's policy and such other educational matters as may be deemed appropriate from time to time. All new employees shall receive this information upon hiring. Employees receiving this information shall sign a statement certifying they have received this information and the Human Resources Office shall retain this receipt.

Employee Drug and Alcohol Educational materials shall have at least the following content:

- 8.5.1. The identity of the person(s) designated to answer employee questions about the City's policy and testing programs.
- 8.5.2. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to the employee assistance program (EAP) and discipline.
- 8.5.3. Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules, if applicable.
- 8.5.4. Explanations of employee conduct which is prohibited by this policy and the circumstances under which an employee will be tested
- 8.5.5. The drug and alcohol test procedures.

- 8.5.6. An explanation of when testing is required by State and/or Federal rules.
- 8.5.7. An explanation of what constitutes a refusal to test
- 8.5.8. An explanation of the consequences of violations of this policy
- 8.5.9. An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%

Supervisors shall receive, in addition to the general employee information, training in alcohol misuse and training in drug use. The training shall cover physical, behavioral, speech, and performance indicators of drug use and alcohol use and may also cover the physiological and psychological aspects of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

8.6. Prohibited Substances

Prohibited substances addressed by this policy include the following:

- 8.6.1. Illegally Used Controlled Substances or Drugs: Federal regulations as outlined by the Department of Transportation identify illegal drugs and substances. This includes, but is not limited to: Marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the United States Drug Enforcement Administration or the United States Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
- 8.6.2. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work-related duties.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business is prohibited.

- 8.6.3. Alcohol: The use of beverages containing alcohol or substances including any medication such that alcohol is present in the body while performing City business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

8.7. Prohibited Conduct

- 8.7.1. Manufacture, Trafficking, Possession, and Use: Any employee engaging in manufacture, distribution, dispensing, possession, or use of prohibited substances on City premises, in City vehicles, in uniform, or while on City business will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.
- 8.7.2. Intoxication/Under the Influence: Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Any employee found to be under the influence of prohibited substances or who fails to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in federal regulations administered by the Department of Transportation.
- 8.7.3. Alcohol Use: No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol. No employee shall use alcohol while on duty. No employee shall have used alcohol within four hours of reporting for duty. No employee shall use alcohol during the hours that they are on compensated stand-by. Violation of these provisions is punishable by disciplinary action up to and including termination.

8.8. Employee Responsibilities

An employee must:

- 8.8.1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use, on or off duty;
- 8.8.2. Not possess or use, or have the odor of alcohol or drugs on his/her breath during work hours, on breaks, during meal periods, while on City property in an official capacity, or while operating any City vehicle, while on City business, or while on compensated stand-by time;
- 8.8.3. Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or on compensated stand-by;
- 8.8.4. Consent to and submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a Supervisor and/or the City Administrator or their designee;

- 8.8.5. Notify his/her supervisor, before beginning work, when taking any medication or drugs, prescriptions or non-prescription, which may interfere with the safe and effective performance of job duties or operation of City equipment;
- 8.8.6. Provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.
- 8.8.7. Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

8.9. Supervisor Responsibilities and Guidelines

- 8.9.1. Generally, the City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.
- 8.9.2. Reasonable Suspicion Testing. Supervisors may request that an employee submit to a drug and/or alcohol analysis when a supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. Reasonable suspicion is a belief based on objective and articulable facts sufficient to lead a reasonably prudent Supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion.
 - (a) Slurred Speech
 - (b) Alcohol on Breath
 - (c) Inability to walk a straight line
 - (d) An accident involving City property
 - (e) Physical Altercation
 - (f) Verbal Altercation
 - (g) Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority
 - (h) Use or possession of alcohol or drugs

- (i) Information on use or possession of alcohol and drugs provided either by a reliable and credible source or independently corroborated
- (j) Arrest or conviction for a substance abuse offense or being the subject of a criminal investigation into illegal drug possession, use, or trafficking

This list is not intended to be all inclusive of conduct that constitutes reasonable suspicion.

Drug/alcohol tests are required for employees whenever there is a pattern of on-duty accidents or an accident resulting in severe property damage or bodily injury.

Any supervisor who has a reasonable suspicion that an employee is impaired on the job by alcohol or other substance will, with the approval of the Supervisor and the City Administrator or his/her designee, immediately arrange for a substance screening. If a screening is required after normal business hours, the supervisor will make direct contact with the facility that has been designated to perform screenings for the City. The following procedures shall be followed:

- (a) The supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is impaired on the job by alcohol or other substances.
- (b) Any supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated facility where a drug and /or alcohol analysis will be performed.
- (c) Any supervisor encountering an employee who~~m~~ refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Such continued refusal will constitute grounds for termination.
- (d) Supervisors shall not physically search employees, nor should they search the personal possessions of employees without sufficient reasons to suspect wrong doing as well as the freely given consent of, and in the presence of the employee.
- (e) Supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.
- (f) Supervisors shall not confiscate, without consent, prescription drugs or medication from an employee.

8.9.3. Post-Accident Testing. Supervisors must produce employees for post-accident drug and alcohol testing within two hours of the accident or explain in writing why the employee was not produced. The employee may be given necessary medical treatment and if such treatment prevents normal drug and alcohol testing, the supervisor shall immediately inform the Human Resources Office.

8.9.4. Other Required Testing. Whenever drug or alcohol tests are required under this policy, supervisors must produce the employee for those tests, and when current impairment is reasonably suspected, the supervisor shall not allow the employee to drive.

8.9.5. Documentation. Observations supporting a supervisor's reasonable suspicion of drug or alcohol use must be made just before, during or after the employee performs his/her job. These observations must be reduced to writing within twenty-four (24) hours of the observation.

Whenever drug or alcohol tests are required by this policy and the employee is not tested within eight (8) hours of notice of the need to test, the supervisor shall explain in writing why the test or tests were not performed.

8.9.6. Confidentiality. Supervisors are responsible for maintaining the confidentiality of all substance abuse issues.

8.10. Results of Drug and/or Alcohol Analysis

Upon a negative result, the employee shall return to work.

If the test is confirmed positive, the employee will then be given the opportunity, at the employee's expense, to have a second screen using a different technique given on the same sample pursuant to Paragraph 8.11.7, Employee Requested Testing. If the second screen shows a negative result, it will be assumed that the individual is not under the influence of or impaired by alcohol or drugs, and the employee shall return to work. If negative, the City will reimburse the employee for the expense of the second screen.

If all tests indicate a positive result, the employee must submit to evaluation by a Substance Abuse Professional. In addition, the employee is subject to disciplinary action up to and including termination. If the City determines not to terminate the employment of the employee, the employee may be required to participate in and complete a rehabilitation program recommended by the Substance Abuse Professional at the employee's expense.

8.11. Testing for Prohibited Substances

8.11.1. General Procedures. Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by federal regulations. All employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident. In addition, all employees will

be tested prior to and after return-to-duty after failing a drug test and/or completion of rehabilitation treatment. Those employees who perform safety-sensitive functions as defined in this policy shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U. S. Department of Health and Human Services (DHHS).

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in federal regulations administered by the Department of Transportation.

Tests for alcohol concentration will be conducted utilizing a National Highway Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration greater than 0.02 but less than 0.04 will result in removal from his/her position for twenty-four (24) hours unless a re-test results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The City of Harrisonville affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

- 8.11.2. Post Offer Pre-Employment Testing: all applicants, to whom an offer of employment has been made, including part-time and seasonal, shall undergo urine drug testing and alcohol testing prior to employment. Receipt by the City of satisfactory test results is required prior to employment and failure of a drug or alcohol test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug and alcohol dependency from a Substance Abuse Professional (SAP) and negative drug and alcohol tests will be required prior to further consideration for employment.

8.11.3. Reasonable Suspicion Testing: All employees may be subject to reasonable suspicion testing to include appropriate urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the long or short-term effects of substance abuse. Examples of reasonable suspicion include (See also Section X, Paragraph I), but are not limited to the following:

- a. Adequate documentation of unsatisfactory work performance or on-the-job behavior
- b. Physical signs and symptoms consistent with prohibited substance use
- c. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- d. Occurrence of a serious or potentially serious accident that may have been caused by human error.
- e. Fights (to mean physical contact), assaults, and flagrant disregard for violations of established safety, security, or other operating procedures.

8.11.4. Post-Accident Testing: Employees will be required to undergo urine and breathe testing if they are involved in an accident with a City vehicle. This includes all employees who are on-duty in the vehicles and any other employee whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; and/or one or more vehicles incurs substantial damage, and/or the employee receives a citation under state or local law for a moving traffic violation arising from the accident, or evidence that the employee has previously tampered with a previous drug test.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours after the accident for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees under this provision will include not only the operations personnel, but also any other covered employees whose performance could have contributed to the accident.

8.11.5. Random Testing: Employees in safety-sensitive positions will be subjected to random, unannounced testing. Employees will be randomly selected for testing from a pool of employee's subject to testing. Each employee will have an equal

chance of being tested more than once. The testing dates and times will be unannounced and will be conducted throughout the year.

Each year, the number of random tests conducted by the City must equal at least 50% of all the safety-sensitive employees or other percentage as required by the federal regulations.

- 8.11.6. Return-to-Duty Testing: All employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional before returning to work. Employees will be required to undergo frequent unannounced random urine and breath testing during the period of their re-entry statement of conditions. The Department of Transportation requires at least six (6) tests within the first twelve (12) months and the return-to-duty testing can be as long as sixty months.
- 8.11.7. Employee Requested Testing: Any employee who questions the results of a required drug test under this policy may request an additional test be conducted. This must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The employee pays all costs for such testing unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in federal regulations administered by the Department of Transportation. The employee's request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee and the split sample remains available.
- 8.12. Medical Review Officer. The City will employ a Medical Review Officer (MRO) to review the drug test results. The MRO shall be a licensed physician with knowledge of drug abuse disorders. Only the MRO may review and interpret each positive drug test and after discussing with the employee, report the results to the City.
- 8.13. Return to Work; Drug Test: In order to recommend return to work after a positive drug test, the MRO shall ensure the employee has subsequently tested drug free, the employee has been evaluated by a Substance Abuse Professional, and the employee is in compliance with rehabilitation conditions.
- The MRO shall determine whether and when a return to duty recommendation shall be made for an employee who has failed a drug test or refused to be tested and shall determine the schedule for return to work drug testing.
- 8.14. Substance Abuse Professional. The City will also employ a Substance Abuse Professional (SAP). The SAP shall be a licensed physician (M.D. or D.O.), or a licensed psychologist, social worker, employee assistance professional or addiction counselor

(certified by MHADACCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

- 8.15. Return to Work; Alcohol Test: In order to recommend return to work after an alcohol test which indicates blood alcohol content greater than 0.04%, the SAP must first evaluate the employee to determine whether the employee has an alcohol-related disorder.

If the SAP determines that an employee has an alcohol disorder which requires assistance, the employee shall be subject to counseling, treatment and follow-up alcohol testing as directed by the SAP. Follow-up testing shall only occur just before, during or just after the employee performs City business.

- 8.16. Actions Taken in Response to Test Results/Refusal to be Treated

8.16.1. Refusal/What Constitutes Refusal: An employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a refusal to be tested. Employees refusing to be tested shall be subject to immediate disciplinary action up to and including dismissal.

8.16.2. Positive Drug Test: An employee whose drug test result is reported to the City as positive shall be immediately referred to the Substance Abuse Professional for evaluation and will be subject to disciplinary action up to and including dismissal.

8.16.3. Positive Alcohol Test: An employee whose breath test results in a reading of 0.02-0.039% blood alcohol content shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. An employee who has a continuing pattern of breath test results between 0.02-0.039% blood alcohol content shall be referred to the Substance Abuse Professional for evaluation and may be subject to disciplinary action up to and including dismissal.

An employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and not returned to work for at least twenty-four (24) hours, and all hours not worked shall be recorded as uncompensated time. Additionally, the employee shall be referred to a SAP for evaluation and may be subject to disciplinary action up to and including dismissal.

8.16.4. Subsequent Positive Test(s): An employee whose drug test result is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug tests and previous breath tests with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the provisions of this Policy shall be subject to disciplinary action up to and including dismissal.

8.16.5. Rehabilitation: Failure to immediately begin an approved rehabilitation program, successfully complete the program and/or participate in required or recommended after-care may result in disciplinary action up to and including dismissal. Rehabilitation may consist of, but is not limited to, in-depth counseling and hospitalization and will be paid directly by the employee or their insurance provider. When appropriate the City may require a treatment agreement as a condition of continued employment and failure to comply is grounds for dismissal. Employees will be allowed to take accumulated sick leave, vacation leave, and compensatory time to participate in the prescribed rehabilitation program.

8.16.6. City's Right to Discipline: The above notwithstanding, the City has the right to take immediate disciplinary action for a violation of this policy, including termination, based on the severity of the violation.

8.16.7. Federal Highway Administration (FHA) Consequences: In addition to the penalties set out by the City for violations of this policy, the following consequences for those with CDL are required by FHA rules:

- a. No employee shall drive if they have used a drug (marijuana, cocaine, amphetamines, opiates, PCP), and no employee may drive within four hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.04% or greater.
- b. A driver violating these rules may not return to work until evaluated and released by a SAP, and subsequently tested for alcohol and drugs with negative results.
- c. An employee tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for twenty-four (24) hours after the test.

8.17. Re-entry Statement of Conditions

Employees who re-enter the workforce must comply with a re-entry statement of conditions. The statement may include but is not limited to:

8.17.1. A release to work statement from an approved Substance Abuse Professional.

8.17.2. A negative test for drugs and/or alcohol.

8.17.3. An agreement to unannounced frequent follow-up testing.

8.17.4. A statement of expected work-related behaviors.

- 8.17.5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry agreement is grounds for termination.
- 8.18. Policy Contact. Any questions regarding this policy or any other aspect of the drug-free and alcohol-free program⁴ should be directed to the Human Resources Office.

SECTION 9

SEPARATION AND DISCIPLINARY ACTIONS

9.1. Resignation

To resign in good standing, an employee must give the appointing authority at least fourteen (14) calendar days or two (2) weeks prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. The employee shall supply a written resignation to his/her Supervisor, giving reasons for his/her leaving. Failure to resign in good standing shall be entered on the service record of the employee and shall be cause for denying future employment by the City. The resignation, and any other pertinent information concerning the cause of resignation, shall be forwarded to the City Administrator's office for inclusion in the employee's personnel file. An exit interview will be conducted by the City Administrator or his/her designee at the time employee leaves the city service as referenced in Section 9.12.

9.2. Reemployment after Resignation

A former employee shall be eligible for rehire at the discretion of the appointing authority and the City Administrator. He/she must be rehired at the entry level or if within six (6) months, he/she returns to City employment, he/she can be considered for reemployment at the same salary level he/she was earning at the time of resignation. However, in the police department, if a ranking officer resigns, he/she can only be reemployed as a patrolman with a pay rate agreed upon between the appointing authority and the City Administrator. Those employees returning within a six (6) month period may do so after an interview or other applicable testing, provided such former employee meets the minimum qualifications for the position and has had a satisfactory prior record of service. Former employees reemployed in the classified service shall be subject to the provisions of these policies that are applicable to new employees, including serving of the appropriate introductory period. However, an employee who is rehired and who remains an employee of the City for a period of five (5) continuous years shall receive credit for his/her previous period of employment when computing vacation and other benefits, as provided in these rules if allowed by their current insurance and retirement group plans such as LAGERS retirement plan. An employee shall be eligible only once for previous employment credits.

9.3. Lay Offs

An appointing authority may lay off an employee, subject to approval of the City Administrator, because of a material change in duties or organization, or because of a shortage of work or funds. Ten (10) working days before the effective date of lay off, such an appointing authority shall notify the Human Resources Department of the intended action, with reasons and support thereof, and a statement certifying whether the service of the employee is affected.

9.3.1. Order of Lay Offs

Laid off employees shall be determined on the basis of service reports and other pertinent data. If it is found that two (2) or more persons in the organizational unit in which a lay off is to be made have equal ratings as determined by service reports or other pertinent data, the order of lay off shall be made based on length of service.

9.3.2. Reemployment after Lay Off

The appointing authority may rehire employees who have been laid off subject to the approval of the City Administrator. Employees who are rehired under this provision shall be reinstated and credited for his/her previous employment when computing vacation and other benefits, as provided in these rules except that, if the layoff has been for less than one (1) year, the five (5) continuous years of employment after rehire will be waived with the exception of the LAGERS Retirement and that will be based upon the LAGERS requirements at that time.

9.4. Retirement

Participating employees are eligible for retirement from the municipal service in accordance with the terms and conditions of the Missouri Local Government Retirement System (LAGERS).

9.5. Reason for Disciplinary Action

The City does not use a progressive disciplinary policy. As a result, any action which, in the discretion of an employee's Supervisor, Department Head, or the City Administrator, reflects discredit upon the municipal service or is a hindrance to the effective performance of the municipal government functions may result in disciplinary action against any officer or employee of the City. Disciplinary action may include oral reprimand, letter of instruction, written reprimand, suspension, demotion or termination. Some of the major reasons for disciplinary action are listed below. However, this list does not describe all conduct which could lead to disciplinary action and, in no way, modifies the at-will employment relationship between the City and its employees:

- 9.5.1. Incompetence or inability to perform the duties as required
- 9.5.2. Offensive conduct that brings discredit upon the City or the service
- 9.5.3. Insubordination
- 9.5.4. Misappropriation, destruction, theft or conversion of City property
- 9.5.5. Conviction of felony or other crimes involving moral turpitude (this conviction constitutes grounds for dismissal)

- 9.5.6. Excessive absenteeism, absence without good cause or failure to report after a leave of absence has expired, or has been revoked or canceled.
- 9.5.7. Violations of the provisions of these policies
- 9.5.8. Disregard of others
- 9.5.9. Falsification of any information required by the City
- 9.5.10. Failure to properly report accidents or personal injuries
- 9.5.11. Neglect or carelessness resulting in damage to City property
- 9.5.12. Knowingly driving a City vehicle without a valid driver's license or CDL license.
- 9.5.13. Disregard for the City's safety policies.
- 9.5.14. Repeated convictions during employment of misdemeanor and/or traffic charges.
- 9.5.15. Introduction, possession or use, on City property or City equipment, of intoxicating liquors or any controlled substance, as set out in these policies. These acts constitute grounds for dismissal.
- 9.5.16. Unauthorized use of City vehicles
- 9.5.17. Inducing or attempting to induce any officer or employee in the City service to commit an illegal act, or to act in violation of any lawful and reasonable departmental order, or assisting in the commission of such an act.
- 9.5.18. Solicitation or acceptance for personal use of a fee, gift or other valuable thing from any vendor seeking to do business with the City or any person having a matter before the City the disposition of which could be influenced by the employee. Employees shall avoid any conflicts of interest that will bring discredit to the City. This section shall not prohibit acceptance of items of nominal value used as promotional items, such as pens, mugs, and note pads, nor gifts of food made available to employees of a department, such as gifts of food for holidays.
- 9.5.19. Willful failure to comply with Department Standard Operating Procedures (SOP) manual.
- 9.5.20. Other actions which an employee's supervisor, Department Head, and/or the City Administrator do not believe were for the good of the service of the City.

9.6. Oral Reprimand

An employee may receive an oral reprimand from his/her immediate Supervisor. No appeal will be accepted.

9.7. Letter of Instruction

An immediate Supervisor or Department Head informs employee in writing that changes need to be made in regard to work performance or employee conduct. This will be included in the immediate supervisor's coaching file. Information contained shall not be considered a part of the employee's personnel file.

9.8. Written Reprimand

An Employee may be reprimanded by the immediate supervisor with Department Head approval. Such reprimand shall be in writing and shall be signed by the employee, the Supervisor and the Department Head and delivered to the appropriate office for inclusion in the employee's Personnel file. An employee's refusal to sign an acknowledgment of receipt of a reprimand shall be cause for immediate suspension without pay. The employee may file a letter of response to the reprimand, which shall be attached to the reprimand in his/her personnel file. An employee who receives three (3) reprimands within one year will be discharged, unless, the City Administrator believes mitigating circumstances exist.

9.9. Suspension

An employee may be suspended by the immediate supervisor with Department Head approval. Such suspension may be with or without pay for such length of time as may be considered appropriate, not exceeding thirty (30) calendar days in any twelve (12) month period. The City Administrator shall be furnished with a written statement setting forth reasons for such suspensions for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file.

9.10. Demotion

An employee may be demoted by the immediate supervisor with Department Head approval. Such demotion shall be in compliance with the provisions for involuntary demotion prescribed in these policies. The City Administrator shall be furnished, with a written statement setting forth reasons for such demotion for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file.

9.11. Discharge

An employee, with the exception of the Chief of Police, may be discharged by the immediate supervisor with Department Head approval. The City Administrator shall be furnished with a

written statement setting forth reasons for such discharge for filing in the employee's personnel file. A copy of such statement shall be furnished to the affected employee and to the appropriate department for inclusion in the employee's personnel file. The Chief of Police may be discharged in accordance with the requirements of R.S.Mo. § 106.273, a copy of which can be provided upon request.

9.12. Exit Interviews

All employees of the City may request the opportunity to participate in an exit interview with the City Administrator, or his or her designee, upon separation from employment with the City. The interview provides information to the City about working conditions, pay and benefits. The ideas and suggestions of individuals who have chosen to leave the City might offer opportunities for the City to enhance its appeal as an employer. The interview will not be required, but is encouraged.

9.13. Release of Information

The Human Resource Manager will provide or verify the following information upon verbal or written request for both current and former employees.

- employment dates
- job title (s)
- rate of pay

No other information will be released.

SECTION 10

SUGGESTIONS AND COMPLAINTS10.1. Suggestions and Complaints

The City Administrator may set up a system for employees to express their concerns in an effort to improve the municipal service. Unless otherwise prescribed by this policy, this procedure shall be used by employees to inform the City of their suggestions or concerns.

10.2. Procedures for Handling Complaints

- 10.2.1 An employee who has a complaint shall discuss the issue(s) orally with their immediate supervisor within seven (7) standard workdays of the incident causing the issues. The employee shall specifically state the oral discussion should be considered a complaint.
- 10.2.2 If the issue is not satisfactorily resolved within three (3) standard work days of the date of the oral discussion the employee shall present, his/ her complaint in writing to his/her immediate supervisor within five (5) standard workdays of the oral discussion. Said writing shall refer to the oral discussion and present the complaint.
- 10.2.3 The immediate supervisor shall consider the written complaint and provide the employee with a written notice of his/her decision within five (5) standard working days of receipt to the written a complaint
- 10.2.4 If the issue is not resolved, the employee may, within three (3) standard working days of the notice of decision submit a written the complaint with supporting documentation, of the immediate supervisor's decision to the Department Head. If the Department Head is the immediate Supervisor, the complaint shall be submitted directly to City Administrator, and the procedures outlined in subsection seven (7) shall apply.
- 10.2.5 The Department Head shall confer with the aggrieved employee within ten (10) standard work days and the employee's immediate supervisor before rendering a decision. Such decision shall be in writing and shall be delivered to the complaining employee within five (5) standard workdays of the conference.
- 10.2.6 If appeal to the Department Head fails to resolve the complaint, the employee may, within three (3) standard work days of receipt of the decision, submit the complaint to the City Administrator.
- 10.2.7 On receipt of the complaint, the City Administrator or his/her designated representatives may hear matters pertinent to the complaint. The City Administrator will designate the date and time for the employee to speak with the

City Administrator or his/her designee. **The decision of the City Administrator shall be final.** The decision of the City Administrator shall be delivered to the employee and a copy to the Department Head involved and to the Human Resource Department.

10.2.8 If the employee fails to submit or process his/her complaint within the time frames set forth in this section, the matter is assumed to be resolved. If the immediate supervisor or Department Head fails to respond within the time frame set forth in this section, then the employee shall immediately file the complaint with the City Administrator pursuant to the procedures set forth in this section. In the event that the employee, immediate supervisor, or Department Head must be absent from work in a manner that affects the time periods listed herein, these periods may be reasonably extended to allow for adequate response time at the request of the absent party as approved by the City Administrator.

10.2.9 In case of a grievance regarding the Americans with Disabilities Act, see City Resolution R-92-14 dated November 23, 1992.

10.2.10 Complaints concerning discrimination and/or harassment should be handled in accordance with Section 2.9.

10.3. Procedures for Handling Appeals of Discipline

Any regular full-time employee who is suspended, demoted (reduced in rank or compensation 'pay grade') or who is discharged, may appeal the discipline, in writing, to the City Administrator within five (5) days after the effective date thereof. Both the appealing employee and the Supervisor/Department Head, whose action is reviewed, will have the opportunity to informally present information to the City Administrator, or his/her designee, during a meeting to either support or oppose the discipline. The City Administrator or his/her designee will render the decision, in writing within five (5) working days of the meeting. The City Administrator's decision will be final and not subject to any further review. The City Administrator has complete discretion in deciding whether to uphold, modify, or overturn the disciplinary decision at issue and the City Administrator's decision is not dependent upon the existence or nonexistence of any criteria.



STAFF REPORT

TO: Board of Aldermen
FROM: Sheryl Stanley, Deputy City Clerk
DATE: May 31, 2018
SUBJECT: City Admin Report

Type of Item: *Report*

CITY ADMINISTRATOR REPORT

June 4, 2018

1. Our Worker's Compensation renewal to Midwest Public Risk this year includes a surcharge of \$70,000 due to several large claims over the last five years that negatively affected the loss/cost ratio. Our liability this year is \$454, 811.62. We will continue work towards fewer accidents through our employee safety committee and employee awareness of being safe on the job. Our property insurance premium for MPR is \$360,041.93 which is in our normal range.
2. Household Hazardous Waste collection is Saturday, June 9, 2018 from 8a-Noon at the Street Shed on South Independence.
3. The Harrisonville Animal Shelter will have an open house Saturday, June 2, 2018 from 10a-3p.
4. The Harrisonville Square Farmer's Market starts Saturday, June 2 from 8a-12n. They will set up on the east side of Lexington due to the construction equipment sitting on the west side of the courthouse on Independence. They will move to their regular location as soon as the equipment has been removed.

A. Action Item (ID # 2903)

City Administrator's Report