



**AGENDA  
CITY OF HARRISONVILLE  
FINANCE/PERSONNEL COMMITTEE  
REGULAR MEETING  
CITY HALL  
MAY 15, 2018  
6:00 PM**

- I. Call to Order**
  - 1. Roll Call**
- II. Approve Minutes**
  - 1. Finance/Personnel Committee - Regular Meeting - Dec 14, 2017 6:00 PM**
- III. Agenda Items**
  - 1. Personnel Policy Review**
  - 2. 457 Provider**
  - 3. Gas Card**
  - 4. College Agreements**
- IV. General Discussion**
- V. Adjournment**

**Posted on City Hall Bulletin Board this 10<sup>th</sup> day of May 2018**

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**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**  
**FINANCE/PERSONNEL COMMITTEE**  
**REGULAR MEETING**  
**CITY HALL**  
**DECEMBER 14, 2017**  
**6:00 PM**

**I. Call to Order by Mayor Brian Hasek**

Attendee Name	Organization	Title	Status	Arrived
David Dickerson	Harrisonville	Member	Absent	
Brian Hasek	Harrisonville	Chair	Present	
Clint Long	Harrisonville	Member	Late	6:10 PM
Brad Bockelman	Harrisonville	Member	Present	
Judy Reece	Harrisonville	Member	Present	

*Others present were: City Administrator Happy Welch, Finance Director Marcella McCoy, Police Chief John Hofer, Alderman Judy Bowman, Alderman Jessica Levsen, Reporter Dennis Minnick and City Clerk Randall Jones Recording.*

**II. Approve Minutes**

**1. Finance/Personnel Committee - Regular Meeting - Nov 21, 2017 6:30 PM**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brad Bockelman, Member
<b>SECONDER:</b>	Judy Reece, Member
<b>AYES:</b>	Brian Hasek, Brad Bockelman, Judy Reece
<b>ABSENT:</b>	David Dickerson, Clint Long

**III. Agenda Items**

**1. Communications Officer Salary Discussion**

*Staff report presented by Police Chief John Hofer. Motion to approve moving pay level for Communications Officer Salary to Level 4. Motion carried.*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Clint Long, Member
<b>SECONDER:</b>	Judy Reece, Member
<b>AYES:</b>	Brian Hasek, Clint Long, Brad Bockelman, Judy Reece
<b>ABSENT:</b>	David Dickerson

Minutes Acceptance: Minutes of Dec 14, 2017 6:00 PM (Approve Minutes)

**IV. General Discussion**

None

**V. Adjournment**

Motion to adjourn by Alderman Long with second by Alderman Reece. Motion carried.

The meeting was closed at

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

ATTEST:

\_\_\_\_\_  
Randall K. Jones, City Clerk

Minutes Acceptance: Minutes of Dec 14, 2017 6:00 PM (Approve Minutes)



City of  
**Harrisonville**<sup>est. 1836</sup>  
STAFF REPORT

**TO:** Finance/Personnel Committee  
**FROM:** Happy Welch, City Administrator  
**DATE:** April 30, 2018  
**SUBJECT:** Personnel Policy Review

**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 an attorney with Enze and Jester, and we have changed areas that reflect current policies.

**Recommendation:**

The Committee needs to review the contents and request changes or explanation.

One item we did not change was holidays and whether to make that change or not.

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 highlighted portions that have been amended.

**Cost:**

Paid for through MPR Loss Control Funds.

**1. Action Item (ID # 2871)**

Personnel Policy Review

Attachments:

2018-04-23 Personnel Policy Final Rvw 4-30-18 (PDF)

Current Personnel Policy (PDF)

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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 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.

1.15 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.

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

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

1.18 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.

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

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

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

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

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

1.24 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.

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

1.26 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.

1.27 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.

1.28 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.

1.29 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.)

1.30 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.

1.31 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.

1.32 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.

1.33 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.

1.34 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.

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

1.36 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.

1.37 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 40 hours per week.

1.38 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.

1.39 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.

1.40 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.

1.41 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.

1.42 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.

1.43 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.

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

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

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

1.47 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.

1.48 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.

1.49 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.

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

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

1.52 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 APPLICANTS3.1 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 in the same department within 2 degrees of Consanguinity with a current employee. This includes temporary or part-time help. 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.

## 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.

- 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.

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.

#### 6.18 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.

#### 6.19 Retirement Plan

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

#### 6.20 Travel Time Compensation

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

### 6.21 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.

### 6.22 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.

### 6.23 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.

#### 6.24 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:

- 6.24.3 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.
- 6.24.4 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.
- 6.24.5 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.
- 6.24.6 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.
- 6.24.7 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.

- 6.24.8 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.
- 6.24.9 Any traffic violation, parking ticket, or other fine or violation will be the sole responsibility of the employee.
- 6.24.10 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.
- 6.24.11 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.
- 6.24.12 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.

#### 6.25 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:

- 6.25.3 Ten (10) years of service \$30
- 6.25.4 Fifteen (15) years of service \$40
- 6.25.5 Twenty (20) years' service \$50

6.25.6 Twenty (25) years of service \$60

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

## 6.26 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.

6.26.3 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.

6.26.4 The educational course must be approved in advance by the employee's department director and the City Administrator.

6.26.5 Reimbursement will be made up to \$1,200.00 for any one employee in any one calendar year.

6.26.6 The educational course must be given by an accredited degree-program college or university.

6.26.7 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.

6.26.8 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.

6.26.9 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 LEAVE

7.1 Hours of Work

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

	<b>Hours in Work Period</b>	<b>Days in Work Period</b>
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.

Attachment: 2018-04-23 Personnel Policy Final Rvw 4-30-18 (Personnel Policy Review)

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.

Attachment: 2018-04-23 Personnel Policy Final Rvw 4-30-18 (Personnel Policy Review)

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 from any full-time employee of any department.

The donating employee must have at least one year of full-time service with the City.

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 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 Insurance Continuation

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;

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

#### 7.14 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).

#### 7.15 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.

#### 7.16 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.

#### 7.17 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.

#### 7.18 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.

### 7.19 Military Leave of Absence

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

### 7.20 Modified Duty

#### 7.20.1 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.)

### 7.21 Scope

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

### 7.22 Eligibility:

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

7.22.2 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.

### 7.23 Process

7.23.1 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.

7.23.2 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.

7.23.3 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.

7.23.4 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 employees 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 employees' need for Modified Duty.

#### 7.24 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.

#### 7.25 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.

#### 7.26 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.

#### 7.27 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.

#### 7.28 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.

##### 7.28.1 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.

7.28.2 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.

7.28.3 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.

7.28.4 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.

7.29 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.

7.30 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.

7.31 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.

7.32 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 Police Department Employees	160
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.

#### 7.33 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.

#### 7.34 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.

#### 7.35 Absence - Exempt Employees

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

#### 7.36 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 ~~ma~~ 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 program<sup>4</sup> should be directed to the Human Resources Office.

## SECTION 9

SEPARATION AND DISCIPLINARY ACTIONS9.1. 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.

## SECTION I

DEFINITION OF TERMS

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

Acting capacity: An interim appointment to fill an existing vacancy in the classified service in a higher position.

Allocation: The assignment of an individual position to an appropriate class in accordance with its duties and responsibilities.

Anniversary Date: The appointment date to a position.

Appeal: A process which provides an employee the right of review of a Supervisor's or appointing authority's disciplinary action.

Applicant: A person who has filed a formal application for employment with the City of Harrisonville, Missouri.

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.

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.

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.

Certification: The act of the City Administrator supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with these policies, for appointment to a position for which certification is required or requested.

Candidate: An applicant who has taken a merit examination whose name has not yet been recorded on an eligibility list.

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.

Classification: The original assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work to be performed.

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

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.

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.

Department Head: An individual appointed by the City Administrator to administer one of the departments.

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

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

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.

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

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

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

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

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.

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

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.

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.

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.

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.

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.

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.

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 Medical Service department who are licensed paramedics and/or EMTs by the State of Missouri or possess other licenses required by said City and volunteers of the Emergency Management Department. Explorers in the Police Department are considered volunteers, as well as people who assist in the Animal Control Department.

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.

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 40 hours per week.

Regular Part-time employee: An employee appointed for work on a basis of less than eight (8) hours per day, and/or less than forty (40) hours per week and in a recurring regular weekly schedule. This definition does not apply to volunteers.

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.

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.

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.

Seasonal Employee: A position composed of duties which occur, terminate and recur seasonally, intermittently and/or according to the needs of the department.

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.

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

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

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

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.

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.

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 Codes Administration, Street Superintendent, Electric Superintendent, Public Information Officer, and Systems Administrator. *Amended by Resolution 015-11, 4/18/11*

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

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

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

## SECTION II

GENERAL PROVISIONSA. 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.

B. 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, who shall submit revisions to the Board of Aldermen, may recommend amendments or revisions of these policies. Amendments or revisions of these policies shall become effective upon adoption by the Board of Aldermen, at any time and with or without notice to the employees and shall supercede all previous policies which address the same subject matter. Each employee has the right to terminate his or her employment at any time for any reason. In addition, all City employees are employees at will and the City of Harrisonville has the right to terminate the employment of any employee at any time, with or without cause and with or without prior notice.

C. 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. The unclassified service shall consist of employees in the following positions: Mayor and Board of Aldermen; City Administrator; Community Development Director, Director of Public Works, City Engineer; Police Chief, Director of Finance, City Clerk, Emergency Services Director, Parks & Recreation Director, Director Codes Administration, Street Superintendent, Electric Superintendent, Public Information Officer, and Systems Administrator.

Amended by Resolution 015-11, 4/18/11

D. 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.

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

Departments may promulgate rules and regulations and SOP Manuals, as such 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 or regulation or SOP shall affect the status of employees as at will employees.

F. Retaliation Prohibited

An employee shall not be dismissed, demoted, or in any other way discriminated against for supplying information to the City Administrator or City officials regarding illegal or inappropriate activities of other City employees, volunteers, or City officials.

G. Employee Tobacco Use Policy - City Facilities & Vehicles

1. Purpose

The U.S. Surgeon General has determined that exposure to “side-stream”, “second-hand”, or “passive smoke” increases the risk to non-smokers of developing cancer and other diseases related to smoking. As authorized by the Board of Aldermen Resolution R-99-14 dated November 15, 1999, the purpose of this policy is to restrict smoking in the public buildings of the City of Harrisonville, to provide a clean and healthy environment for all employees and visitors and to promote a positive impression of City operations with the general public. It is the intent of this policy to address and be sensitive to the preferences of both smokers and non-smokers.

2. Applicability

This smoking policy shall apply to all individuals while inside any City controlled building or space including City Hall, Police Station, EMS Building, Fire Station, Water Treatment Plant, Waste Water Treatment Plant, Water Facility, Animal Shelter, Street Facility, Electric Facility, Substation Control Room, Parks Facility, Pool, Community Building, and North Park Building.

This policy also applies to any city-owned, leased, or rented vehicle. *Resolution 026-15*

The use of other tobacco products, including chewing tobacco and snuff, are also subject to the provisions of this policy. No chewing cups are allowed in any office unless in a designated area and no cups are permitted in city vehicles. Chewing is allowed if the employee is out in the field and away from public view. At no time is chewing allowed if the employee is in contact with the public.

This policy does not apply to open-air facilities unless prohibited under other policies. Individual departments may further restrict the use of tobacco beyond the scope of

this policy if specific work conditions warrant such restrictions from a safety or operational standpoint.

### 3. Definitions

“Smoking” is defined as carrying or possessing any lighted tobacco product including cigars, cigarettes, and pipes.

“Designated Smoking Area” means any area within an enclosed City facility where smoking is specifically permitted, and shall be so situated as to allow non-smoking individuals reasonable opportunity to conduct normal activity in a smoke-free environment.

### 4. Designated Smoking Areas

The designated employee smoking areas where smoking and other forms of tobacco use shall be permitted include the bay area adjacent to the Police and Fire Stations, Street, Water, Waste Water and the filter building except lab at the water treatment plant.

Smoking by employees will be permitted immediately outside City buildings; however, during the scheduled work day, no employee shall be permitted to smoke directly in front of the City Hall, Police Station, EMS Facility including the sidewalk and parking lots. Smoking, by employees is expressly prohibited in office spaces, Council Chambers, conference rooms, kitchens, bathrooms, entrance lobby/foyer areas, sleeping quarters and other areas of general use inside City facilities.

### 5. Procedure

- a. “No Smoking” signs shall be posted at the primary entrance to all public buildings.
- b. Designated employee smoking areas shall be clearly identified and posted.
- c. Complaints of non-compliance shall be made to the appropriate Supervisor, Human Resources Manager, or City Administrator and all complaints will be held confidential. Anonymous complaints cannot be accepted because the validity of the complaint must be verified.
- d. Outdoor ash receptacles shall be placed in the permitted smoking areas, at public entrances and outdoor smoking areas. All smoking material must be properly extinguished and disposed of in ash receptacles. Tobacco products, cigarette butts, etc. are not permitted to be extinguished on the sidewalks or surrounding grounds.

### 6. Enforcement

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All employees share the responsibility of adhering to and enforcing the policy. Employees who are found smoking outside of “smoking permitted” areas will be considered in violation of this policy and will be subject to discipline in the same manner and magnitude as violation of other City policies and work rules. Visitors or others who violate the City ordinance regarding non-smoking shall be advised by employees of this public policy and requested to extinguish smoking materials.

#### H. Policy Statement on Sexual Harassment

The City of Harrisonville believes that employees should be treated, and treat each other, with dignity and respect. Employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Unwelcome verbal and physical conduct of a sexual nature is inappropriate in the work place and may be unlawful. The City strongly disapproves of sexual harassment of its employees in any form, and states that all employees at all levels of the City must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work. Visitors, vendors, and contract employees who engage in harassing behavior while on City premises or against City employees will not be permitted to conduct City business if found to be in violation of this policy.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, e.g., unwanted touching, pats, squeezes, or the repeated brushing against someone's body, off-color jokes, sexual remarks about a person's body, or sexual activities, sexual pictures or cartoons, suggestive looks or leering, etc., constitute unlawful sexual harassment when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- submission to or rejection of the conduct is the basis for an employment decision affecting the employee who is subjected to the conduct; or
- the harassment substantially interferes with any employee's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment and inappropriate sexual talk and conduct are incompatible with the City's belief that employees should be treated with respect and dignity. Such conduct will not be tolerated and may result in discipline up to and including discharge.

It is the responsibility of Supervisors and managers to refrain from sexual harassment, or inappropriate verbal or physical conduct of a sexual nature, and to ensure that employees do not engage in such conduct.

The City recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all facts in each case.

Therefore, the City will act positively to investigate alleged sexual harassment claims and to effectively remedy them when an allegation is determined to be valid.

Given the nature of the type of discrimination, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, false accusations will be viewed with the same concern as sexual harassment.

An employee who feels that he or she has experienced or observed sexual harassment should report such incidents to his or her Supervisor, Department Head, HR office, or to the City Administrator, without fear of reprisal, in accordance with Section II, paragraph F of the City's Personnel Rules and Regulations which prohibits retaliation for supplying information regarding illegal or inappropriate activities of city employees.

Procedures for reporting and investigating incidents believed to violate the City's policy against sexual harassment are as follows:

1. Reporting of Incidents

Given the serious effect this conduct has on the workplace, and the City's goal of promptly and effectively investigating such complaints and acting on any violations promptly, a complaint should be made to one of the following:

- Your immediate supervisor
- A supervisor other than your direct/immediate supervisor
- Your department director
- Human resources officer
- City Administrator

The employee is urged to make the complaint to the person with whom they feel most comfortable. The complaint should provide specific facts concerning the behavior believed to be in violation of the sexual harassment policy to include:

- who committed the offensive behavior;
- what the specific behavior was;
- when and where the incidents occurred;
- if there were any witnesses; and
- whether similar incidents have occurred before.

2. Investigation of Complaints

All complaints of sexual harassment will be investigated as quickly as practical. Corrective action will be taken as necessary. The investigation procedures shall be as follows:

- a. The individual receiving the complaint should get as many facts as possible, including:
  - who committed the offense;
  - what the specific offense was;
  - when and where the incidents occurred;
  - if the person making the complaint has any idea why the offensive behavior occurred;
  - if there were any witnesses to the situation;
  - whether similar incidents have occurred before.
- b. Investigators must remain neutral. It is the investigator's responsibility to gather the facts, not to make a judgment. Investigators must make no promises other than that an investigation will be conducted and appropriate action taken. As soon as possible after receiving the complaint, the supervisor or manager shall in writing relay all the information gathered to the City Administrator.
- c. A supervisor who observes harassing conduct shall immediately intervene to halt the conduct and report in writing the incident to the City Administrator so that a determination can be made as to whether action needs to be taken.
- d. The City Administrator or his/her designee will investigate all complaints. He/she may call a meeting regarding such complaint in accordance with Section XI, B3 of the City's Personnel Rules and Regulations. If it is determined that a violation of the City's policy against sexual harassment has occurred, corrective action will be taken in accordance with the City's Personnel Rules and Regulations and may include reprimand, suspension, demotion or discharge, if appropriate and warranted by the situation. The City Administrator's investigation and action taken on the complaint shall be in writing and made available to the Board. For the privacy of everyone involved, only those individuals determined to be involved in the complaint or its resolution will have information regarding the complaint.
- e. If a complaint is made against the City Administrator, the Supervisor receiving the complaint shall in writing relay all information gathered to the Mayor who shall appoint a committee comprised of the Mayor, Mayor Pro-Tem and another member of the Board of Aldermen to investigate the complaint. This committee may call a meeting in accordance with the procedure outlined in Section XI B3 of the City's Personnel Rules and Regulations. If it is determined that a violation of the City's policy has

occurred, a report shall be made to the Board of Aldermen and appropriate action shall be taken by that body. The Board's decision shall be final.

I. 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 and upon probable cause may be searched.

J. 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 the City service.

K. 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 direction of the City Administrator.

L. Personnel Appearance of Employees

It is the policy of the City of Harrisonville that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

1. Employees are expected at all times to present a professional, businesslike image to customers and the public. Acceptable personal appearance is an ongoing requirement of employment with the City.

2. Employees who are provided uniforms should wear the provided uniform in the manner established by their department. Employees in maintenance positions who are not provided uniforms must wear slacks or jeans. (See Section IV, L –Uniforms)
3. Office workers and other employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire or attire that is inappropriately casual. In particular, employees should not wear:
  - a. T-shirts, except for approved City shirt with logo worn pursuant to Department policy
  - b. Tank tops, sun tops, or any top, including the top of a dress, that does not cover the back or front within 2 inches below a line from shoulder to shoulder
  - c. Cropped tops, low-cut jeans or slacks, or any combination of top and lower clothing item that reveals skin between the top and the lower piece of clothing.
  - d. Clothing that is inappropriately tight or sheer.
  - e. Skirts that are shorter than 2 inches above the knee.
  - f. Shorts, unless they are part of a department uniform. Shorts shall be no shorter than 2 inches above the knees.
  - g. Mid-calf (Capri) or below the knee (peddle pusher) slacks, unless they are part of a coordinated set and present a professional appearance.
  - h. Clothing that is ripped, torn or dirty.
4. Department Directors may:
  - a. Establish a written dress and grooming standards for their employees that are different from those set out herein, upon approval of the City Administrator. Such deviations will be approved when they are necessary to: comply with the safety needs of the position; meet the professional expectations of the position; or for consistency of appearance among employees. Uniforms, including polo shirts or t-shirts (when appropriate), are encouraged when consistency of appearance among employees is desirable.
  - b. Establish special dress policies for dress-down Fridays, when appropriate. Dress-down Friday policies must be approved by the City Administrator.
  - c. Allow occasional exceptions to this policy when reasonable, such as the wearing of more casual attire for special activities such as packing and moving boxes, assisting with outdoor activities, etc.
5. Employees should maintain proper hygiene and grooming.
  - a. Hair should be clean and neatly trimmed. Sideburns, moustaches and beards should be neatly trimmed. Hair, sideburns, moustaches and beards should not be of such a length as to present a health or safety hazard in the employee's performance of the duties of his or her position.

- b. Tattoos and body piercings (other than earrings) should not be visible. Jewelry should not be worn if it presents a health or safety hazard in the employee's performance of the duties of his or her position.
  - c. Body odor, including the use of perfumes and after shave, should not be offensive to co-workers or members of the public.
6. Care should be taken when wearing denim to ensure that it is appropriate to the employee's work environment. Generally, "blue jeans" are not considered appropriate attire for office workers.
7. Any employee who does not meet established dress or grooming standards will be counseled in the appropriate dress and grooming for their position. Thereafter, should the employee fail to comply with established standards, the employee may be sent home without pay to correct the deficiency. Repeated violations of established dress and grooming policies can result in disciplinary action.

Resolution 03-01, October 1, 2003

SECTION III  
CLASSIFICATION

A. The Classification Plan

1. Preparation of 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.

2. Adoption of the Plan

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

3. Amendment of the Plan

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

4. New Positions

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

B. 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:

1. The positions are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
2. Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents;
3. Substantially the same job related test of fitness may be used in selecting qualified appointees; and

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

C. Reclassification of Positions

Positions, the duties of which have changed sufficiently to require reclassification, shall be allocated to a more appropriate class, 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 shall make an investigation of the position to determine its correct allocation, and shall make the final decision, if appropriate, to seek Board of Aldermen adoption of a reclassification of the position.

D. 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 of Harrisonville, Missouri. 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.

E. 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.

## SECTION IV

COMPENSATION AND BENEFITSA. The Pay Plan1. 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.

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.

3. Amendment of the Plan

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

4. 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.

B. Administration of the Pay Plan1. Appointment Rate

The minimum rate of pay for a class shall normally be paid upon appointment to the class. The appointment rate above the minimum rate may be paid providing the appointing authority submits a written request justifying reasons for such action for approval by the City Administrator. Justification for approval will be limited to recognition of exceptional qualifications of an eligible applicant or lack of available eligible applicants at the minimum rate. If a former employee who has resigned voluntarily is re-employed within six months in a class in which he/she was previously employed, he/she can be considered for reemployment at the same salary level he/she was earning at the time of resignation.

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.

C. Performance Pay Advances

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.

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 advancement provided funds are available within the department's existing and approved budget.

D. 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.

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.

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.

3. Demotion Related to Performance

An employee who is demoted for *performance reasons* shall receive a reduction in pay up to 5% when placed in the new salary grade.

If the employee's salary at the time of the demotion exceeds the new pay range maximum, the employee's salary shall be adjusted to the new maximum.

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.

E. 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.

F. Pay Differential

The City Administrator, in 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

G. Overtime and Compensatory Time

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 for approved 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. 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 overtime pay rate shall apply only after a maximum of the accumulated and approved hours for the week is at least forty (40) hours. 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.

*Amended Resolution 023-09, 6/1/09*

2. Exempt Employees

Exempt employees are not eligible for overtime or compensatory time. It is understood that exempt employees shall work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week.

3. Public Safety Employees

Work by non-exempt Public Safety personnel in excess of their regular hours of work as established in Section V of this manual shall be considered overtime. Police and Fire Personnel will be paid one and one-half 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).

4. Compensatory Time Option:

All new employees hired by the City of Harrisonville shall advise the City in writing as to whether or not they desire an agreement relative to compensation time as opposed to overtime pay. Department Heads may request that compensatory time be used in lieu of receiving overtime pay due to budgeting issues.

H. On-Call Payment, Call Out and Court Time Payments

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 for the employees. 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.

## 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.

## 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.

*Amended Resolution 027-09, 7/20/09*

## I. 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.

## J. Employee Benefits- Premium Only Benefit Plan (Section 125 Internal Revenue Code)

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

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 shall pay premiums for life, dental and disability insurance that are provided by the City for the employee. The City shall pay up to \$495.00 per month for major medical and vision insurance for an employee (Individual Coverage), up to \$810 per month for major medical and vision insurance for an employee plus spouse or employee plus children (Tier 2 Coverage) and up to \$915 per month for major medical and vision insurance for an employee and their spouse and their children (Family Coverage) 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.

- a. The City will contribute any unused portion of the \$495 per month 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.

Amended by Resolution2014-015

K. Retirement Plan

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

L. Uniforms

Employees required to wear uniforms receive monthly uniform allowances or are 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. Uniformed personnel are not eligible to participate in City recognized casual days without prior approval by their Supervisor and City Administrator. When job duties or assignments deem necessary, for special events or on City recognized “jean” day, the Supervisor or City Administrator may grant exceptions. Individual departments may have more stringent or lax dress codes. Uniforms or identifiable city logo apparel shall not be worn when purchasing or consuming alcohol. The City logo will not be placed on any item without prior City approval.

M. Traveling/Training Expense Reimbursement Policy

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.

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. Specifically included are members of the Board of Aldermen and all Boards and Commissions of the City when such members are acting in their official capacity.

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. Whenever the airfare (coach or economy) would be less than the mileage reimbursement for the use of a personal vehicle, air transportation must be used except as otherwise

provided herein. Air transportation expenses must be supported by documentation, which reflects the destination, dates of travel and cost.

The employee, with prior approval, may use his/her personal vehicle in lieu of air transportation. The employee will only receive 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. If an employee is offered public transportation but requests permission to drive his/her car instead, the City may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance, subject to the limitation set out in Section IV, M.4

Where use of a private/personal vehicle is the most cost-effective mode of transportation, an employee will be reimbursed at the mileage rate established annually by the City Administrator.

The City is not liable for damage to an employees’ private/personal vehicle that is used for city business. (Resolution 008-11, 3/7/11)

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 of Harrisonville 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 an extended 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 of \$35.00 per day including taxes and tips. The following example should be used as a guide as well as budgeting purposes:

Breakfast: \$10.00  
 Lunch: \$10.00  
 Dinner: \$15.00

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 alcohol 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.

No reimbursement will be made for meals which are provided in conjunction with air transportation or which are included in the conference/meeting cost.

As deemed appropriate by the Supervisor, meal costs for local training may be eligible for reimbursement. The City Administrator will review the appropriateness and reasonableness of 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 - normally listed on hotel receipt; money orders or travelers checks purchases - receipt required.

- f. Miscellaneous - Non-reimbursable expenses include miscellaneous reading material, shoe shines, in-room movies, mini-bar charges, laundry or dry cleaning costs or items relating to personal hygiene. The cost of handling any clothes or equipment carried by an employee for personal enjoyment or activities is not reimbursable. Repairs to personal briefcases and luggage will not be reimbursed unless damaged when being used on City business and when the employee is not repaid by the carrier responsible for the damage. A copy of the damage claim and a copy of the refusal to reimburse for such claim must be submitted.
4. Time Compensation

Employees or officers will only be compensated for travel time occurring during employee's normally scheduled working hours.
  5. 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. 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.

## 7. Procedure

Any employee incurring an expense as defined herein and seeking reimbursement of same 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.

## N. City-Owned Equipment

1. Users of City-owned vehicles will comply with all applicable federal and/or state traffic regulations, including the wearing of seat belts.
2. All City-owned vehicles except those used by the police department and City Administrator will be left at their "base" location after hours and during weekends. Exceptions may be approved by the City Administrator if necessary.

3. Vehicles are not to be taken out of the City limits unless on official City business or as approved by the City Administrator.
4. City equipment, including tools, is not to be used for work not related to official City business.

O. Service Awards

Eligible employees in recognition of continuous and faithful years of service will be recognized with a certificate of appreciation and will be given the opportunity to order a gift. The cost of the gift is according years of service. See below:

1. Ten (10) years of service \$30
2. Fifteen (15) years of service \$40
3. Twenty (20) years' service \$50
4. Twenty (25) years of service \$60
5. Thirty (30) years of service or more \$75

P. 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 will be received and after twenty-five years or more \$1,000. 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.

Q. Tuition Assistance

It is the policy of the City of Harrisonville to encourage employees to increase their education as it relates to their job responsibilities with the City of Harrisonville. 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.

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.

2. The educational course must be approved in advance by the employee's department director and the City Administrator.
3. Reimbursement will be made up to \$1,200.00 for any one employee in any one calendar year.
4. The educational course must be given by an accredited degree-program college or university.
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. 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.
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 (provided that the final pay received by the employee shall comply with the minimum wage requirements of federal statute).

R. Flowers

In the event of an employee's or elected official's death or the death of an employee's spouse, child, step-child, parent or step-parent, the City Clerk will be notified and flowers will be sent on behalf of the City. In the event of the hospitalization of an employee or an elected official or their spouse, the City Clerk will be notified and flowers will be sent on behalf of the City.

SECTION V

HOURS OF WORK AND LEAVE

A. Hours of Work

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

<b>Hours in Work Period</b>	<b>Days in Work Period</b>
40 and Police Dispatchers	7
24 hour shifts, 96 or 120 hours Emergency Services	14
84 (Police Department)	14

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.

B. Attendance

Supervisors will consider the operating requirements of the department, seniority of employees, and, insofar as possible, and the request of the employee when approving leave. Any employee who is unable to report for work on time and does not notify his/her supervisor by his/her designated starting time, is subject to Leave Without Pay, see paragraph O of this section, and may be subject to disciplinary action.

Supervisors may authorize time off. Each Supervisor shall keep daily employee attendance records, which shall be reported to the payroll department by noon on Mondays. If Monday is a holiday, Supervisors shall submit the records to payroll the next regular work day. 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.

C. Holidays

1. General Provisions

All regular employees (whose shifts are less than 24 hours) of the City 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

Attachment: Current Personnel Policy (Personnel Policy Review)

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

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 24 hour shifts, may be given another day off in observance of the holiday. Employees who are on 24 hour shifts shall receive holiday pay in lieu of another day off.

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.

D. Vacation Leave

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

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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.

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.

3. Holidays Observed During Scheduled Vacation

Should a holiday occur while an employee is on vacation, such employee will be permitted to take the day off following the end of his/her scheduled vacation or any day he/she and the Supervisor agree would be satisfactory in accordance with Section V, Paragraph C, Subsection 1. Said holiday shall be counted as a holiday and not a vacation day.

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 V, Paragraph D, and Subsection 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.

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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.

6. Effect of Employee's Termination

Only 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 V Paragraph D, Subsection 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 of Harrisonville, and such employee shall be entitled to receive only the amount of such vacation pay, less the amount of such deduction.

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 be spared from the job without jeopardizing the City's services.

8. Vacation Leave Award Policy

A department director may award any employee in a lower pay level up to 16 hours (minimum of 4 hours) of that department director's accumulated vacation so long as their accrued vacation balance is at least 160 hours at the time of the award. The department director's accrued balance will be reduced by an equal number of vacation hours being awarded. The intent of this policy is to provide department directors the opportunity to provide an immediate reward to employees that have gone above and beyond the call of service, provided exceptional service, achieved a special accomplishment or conducted them in a manner which reflects positively upon the City. Awards of this type shall be approved by the city administrator.

(Resolution 008-11, 3/7/11)

E. Personal Leave Hours

All regular fulltime employees will be granted personal hours 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	12

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.

F. Sick Leave

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>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

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 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

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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 absence. 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 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, 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.

3. Absence Verification

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

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#### 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.

#### G. Family and Medical Leave (FMLA Policy)

1. Purpose: To define the City of Harrisonville's policy and procedures with regard to family and medical leave. Any leave taken because of one of the conditions listed below as a reason for leave shall count towards an employee's Family and Medical Leave.
2. Definitions: For the purpose of this FMLA Policy, the following terms shall have the meaning set out below:

Eligible Employee: Employees who have been employed for at least 1,250 hours (24 hours a week) during the preceding 12-month period are eligible for leave under the Family and Medical Leave Policy. For employees not eligible for family and medical leave, the City of Harrisonville will review each case.

Serious Health Condition: An illness, injury, impairment, physical or mental condition that involves either:

- (1) Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- (2) Continuing treatment by a healthcare provider which includes any period of incapacity (i.e. inability to work, attend school or perform other regular daily activities) due to:

- (a) A health condition (including treatment therefore or recovery therefrom) lasting more than three consecutive days and any subsequent treatment or period of incapacity relating to the same condition that also includes:
- Treatment two or more times by or under the supervision of a healthcare provider; or
  - One treatment by a healthcare provider with a continuing regimen of treatment; or
- (b) Pregnancy or prenatal care. (A visit to a healthcare provider is not necessary for each absence); or a chronic serious health condition which continues over an extended period of time, requires periodic visits to a healthcare provider and may involve occasional episodes of incapacity (for example, asthma, diabetes). (A visit to a healthcare provider is not necessary for each absence); or
- (c) A permanent or long-term condition for which treatment may not be effective (for example, Alzheimer's, a severe stroke, terminal cancer). (Only supervision by a healthcare provider is required, rather than active treatment); or
- (d) Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (for example, chemotherapy or radiation treatments for cancer).

Healthcare Provider: A "healthcare provider" means:

- (1) Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
- (2) Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice and performing within the scope of their practice, under state law; or
- (3) Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
- (4) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or

- (5) Any healthcare provider recognized by the employer or the employer's group health plan benefits manager.

Medical Leave: Will be utilized when a serious health condition renders the employee incapable of performing the functions of his or her job according to the employee's job description.

Family Leave: Will be utilized for leave taken for the birth, adoption or placement of a child or to care for spouse, child or parent who has a serious health condition.

3. General Information: All eligible employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of leave during the calendar year. Accrued sick leave, vacation, personal leave and compensatory time are required to substitute for family and medical leave. In the event an employee has used all his/her accrued leave prior to twelve weeks he/she will receive the remainder as unpaid leave.
4. Reason for Leave: The following are the reasons for which an employee can take leave under the Family and Medical Leave Policy:
- (1) the birth of the employee's child and in order to care for the child;
  - (2) the placement of a child with the employee for adoption or foster care;
  - (3) to care for a spouse, child, or parent who has a serious health condition;
  - (4) a serious health condition that renders the employee incapable of performing the functions of his or her job according to the employee's job description.

The entitlement for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. When both spouses are employed by the same employer, the total amount of leave that they can take, combined, may be limited to twelve (12) weeks (480 hours) for the birth or adoption of a child.

5. Types of Leave: An employee may take his or her family and medical leave in the following ways:
- (1) a continuous period of time;
  - (2) "Intermittent leave" is leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period time;
  - (3) "Reduced leave schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.
6. Notice of Leave: An employee intending to take family and medical leave because of an expected birth or placement of a child, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin or as soon as possible. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor

and the Human Resources Department as soon as the necessity for the leave arises.

7. Application for Leave: In all cases, an employee requesting leave must complete the form “Request for Family and Medical Leave” and return it to the Human Resources Department. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.
8. Medical Certification: An application for leave based on the serious health condition of the employee or the employee’s spouse, child or parent must also be accompanied by a “Medical Certification Statement” completed by the applicable health care provider. The Human Resources Department shall receive the medical certification statement within 15 days of the request for leave. The certification must state the date on which the health condition commenced and the probable duration of the condition.

If the employee is needed to care for a spouse, child, or parent, the certification must so state, along with the estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the essential functions of his or her job as described in the employee’s job description.

The City of Harrisonville can request a second or third opinion, if the City has reason to doubt the validity of a medical certification. These additional opinions will be by the City’s designated health care provider at the City’s expense.

During the time the employee is on Family and Medical Leave the City may, after thirty (30) days, request recertification.

9. Benefit Coverage During Leave: During a period of family and medical leave, an employee will be retained on the City of Harrisonville’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).

10. 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.
11. 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.
12. Restoration to Employment: An employee eligible for Medical Leave will be restored to his or her old position. If the absence is for Family Leave the eligible employee will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. A determination to whether a position is an "equivalent position" will be made by the City Administrator.

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.

13. 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.

## H. 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 from any full-time employee of any department.

The donating employee must have at least one year of full-time service with the City.

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

The donating employee's accrued sick leave balance shall not be reduced below 96 hours and the donating employee's accrued vacation leave balance shall not be reduced below 120 hours at the time of the donation.

The ailing employee is eligible to receive sick leave donations until he reaches his/her 91<sup>st</sup> 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 employer's normal rate for that employee. Any hour 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 ailing 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 as received. Once sick/vacation leave has been donated the hours will be given to the ailing 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 Paragraph F, Subsection 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 this employee will then contact the Human Resources Department. (amended by resolution 008-11, 3/7/11)

## I. Military Leave of Absence

Leave will be granted pursuant to the Uniformed Services Employment and Reemployment Rights Act and applicable state law.

J. Annual Military Training Leave

In addition to leaves of absence otherwise authorized in these regulations, regular employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard and National Guard or otherwise called to provide military services, may be granted a paid leave of absence upon proper application through his/her appointing authority to the City Administrator with pay for the duration of said period of annual training not to exceed 120 work hours for all employees. Requests for such leave must be accompanied by a copy of official orders requiring such training. Compensation for said leave of absence shall be calculated at the normal rate of pay, for said period of training (§105.270, R.S.Mo., and Opinion of the Attorney General, No. 1, Sheppard, 9-16-59). Such military training leave shall not be deducted from annual vacation leave.

Employees may use accrued vacation or comp time for military leave that exceeds the 120 hours otherwise the leave will be unpaid.

K. Disability Leave

1. Definition. A disability results from either an illness or injury occurring either on or off the job which prevents an employee from performing the essential functions of his/her regular duties either with or without reasonable accommodation as certified by a licensed physician. The City reserves the right to require examination by a physician of its choice when necessary to verify disability. The employee's off-duty illness or injury may qualify as Family and Medical Leave, as set out in Section V, Paragraph G.
2. Reporting Disability Leave. In all disability cases, the employee must present certification from his/her physician stating that he/she is actually disabled. When able to return to work either with or without reasonable accommodation, the employee must present certification from the physician that he/she is physically fit to perform the essential functions of his/her job either with or without reasonable accommodation. These documents must be forwarded to the Human Resources Manager immediately following receipt.
3. On-the-Job Illness or Injury. Employees who suffer on-the-job illness or injury are covered under State Workers' Compensation regulations for the duration of the disability. State Workers' Compensation law will be used to determine whether an illness or injury is indeed work-related. All full-time regular or introductory employees may be granted injury leave or may be placed in the Return to Work (RTW) Program in the event of a bona-fide on-the-job injury. Payment for injury leave shall be limited to Workman's Compensation; an employee may cash in accrued paid leave in an amount sufficient to cover the employee's portion of their current insurance benefit premiums. If an injury is sustained in connection with drug or alcohol abuse or violation of workplace policies or procedures, the injured employee's worker's compensation benefits may be reduced or forfeited in accordance with state law. Under Section 287.120.6 of the Revised Statutes of Missouri, employees who are

injured on the job “in connection with” the use or being under the influence of drugs or alcohol will suffer a 15 percent reduction in workers’ compensation benefits. In addition, the law provides for a complete forfeiture of workers’ compensation benefits if the employee’s use or being under the influence of drugs or alcohol is the “proximate cause” of the employee’s injury. Changes in State Worker’s Compensation laws may affect changes in this section.

*Amended Resolution 023-09, 6/1/09*

4. Return to Work Program (added by resolution 008-11, 3/7/11)

General Policy-The Return to Work (RTW) Program provides temporary modified duty for employees who have suffered a workplace injury or illness. The goal of the RTW Program is for the City to work with injured/ill employees and the employee’s physician to transition the employee back to full, unrestricted duty.

Employees who suffer a job-related injury or illness within the scope of employment and who are determined by their physician to be unable to return to full duty but may return to work with restriction on their next scheduled day of work shall qualify for RTW. All employees injured with the scope of employment, whether returned to work or not, with or without restrictions shall:

- Report the incident of injuries to their immediate supervisor and complete all required documentation;
- Immediately after receiving medical care, contact their immediate supervisor and provide the supervisor with all documentation from the treating physician, which must include a diagnosis of the injury and a list of physical restrictions, if applicable;
- If injured with restrictions, meet with their department director or designee in conjunction with human resources to discuss the terms and conditions of a temporary modified duty position within the restrictions outlined by their physician; and
- Report to work and assume full duties, if no restrictions or report to work under the terms and conditions of the modified duty position offered.

Agreement-Prior to employee’s start date in the RTW Program, the employee will be scheduled to meet with Human Resources to review and sign a RTW Modified Duty Agreement. The agreement will include at a minimum the following:

- A specified start and stop date for the RTW modified duty assignment. These dates will be, in part, based on information provided by the physician relative to the nature of an employee’s condition and the anticipated recuperation time. The time an employee may remain in an RTW modified duty position shall be determined at the discretion of the department director in conjunction with Human Resources on a case-by-case basis, but in most cases will not exceed 12 weeks;

- Reporting requirements relative to the progress of prescribed treatment and the frequency of those reports;
- Specific treatment ordered by the physician; and
- A specific listing of limits established by the physician, which may include, but is not limited to:
  - Limits in the number of hours per day the employee can work;
  - Climbing limitations (steps, ladders, etc.);
  - Walking and/or standing limitations;
  - Stooping and/or twisting limitations;
  - Lifting limitations both for weight and height, as well as frequency; and
  - Pushing and/or pulling limitations;
  - Specific steps developed in the conjunction with the physician to “condition” the employee so that they can return to their position as quickly as possible. An example of a conditional objective may be to gradually increase the number of hours per day an employee works or gradually increase the number of days per week the employee participates in normal job duties versus the modified duty assignment.

Refusal to Participate-Workplace Injury-Should an employee with a workplace injury refuse approved RTW modified duty, the City will cease payment of wage continuation and/or temporary total disability compensation (TTD). Corrective action may also be taken in such case. If the attending physician will not authorize transitional work, the City will take appropriate action as allowed by law.

RTW Guidelines While on RTW modified duty, employee will:

- Not be eligible for overtime or special duty;
- Not be permitted to respond to emergencies, drive marked safety vehicles or, for sworn police, wear any part of the uniform of the day;
- Be assigned to perform duties the employee is capable of performing in the department where such work is available, as determined by the department directors;
- Be paid the compensation the employee would have received had they continued to perform their regular duties;

Number of RTW Positions-The availability and number of RTW positions available in a department shall be determined by the department director based on the type and amount of work available.

5. Job Retention While Disabled Due to On-the-Job Illness or Injury. All employees in regular full-time status and disabled due to on-the-job illness or injury shall have the right to return to work at their previous position during the first nine (9) months of continuous disability, subject to doctor’s certification as to their fitness for employment. All regular full-time employees who participate in the RTW program prior to reaching the first nine (9) months of disability shall have the right to return to

work at their previous position during the first twelve (12) months of disability, subject to doctor's certification as to their fitness for employment.

All full-time employees on initial introductory status and all regular part-time employees who are disabled due to on-the-job illness or injury shall have the right to return to work at their previous position during the first six months of continuous disability, subject to doctor's certification as to their fitness for employment. A regular part-time employee on introductory status who is disabled due to on-the-job illness or injury shall have the right to return to work at their previous position during the first three (3) months of continuous disability, subject to doctor's certification.

Subject to applicable law, the City will not provide a position for:

- a. An employee in regular full-time status and disabled due to on-the-job illness or injury after the first nine (9) months of continuous disability, or after the first twelve (12) months of combined injury leave and light duty.
  - b. A regular full-time employee in initial introductory status or regular part-time status and disabled due to on-the-job illness or injury after the first six (6) months of continuous disability.
  - c. A regular part-time employee in initial introductory status and disabled due to on-the-job illness or injury after the first three (3) months.
6. 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. Effect upon Employee's Retirement. The provisions of Section V 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.
  8. Application for Disability Retirement. Any employee who is finally determined to be permanently disabled within the meaning of this Section (V) 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 be given a letter signed by

the City Administrator formally recommending on behalf of the City, that such retirement be granted.

9. Off-the-Job Illness or Injury. Employees who suffer off-the-job illness or injury may be eligible for “Light Duty”. The City allows and encourages employees to come back to work, even if they cannot fully perform the essential functions of their position. Light Duty assignments may not always be available and all decisions determining whether or not Light Duty assignments are available will be made at the discretion of the Department Head. Such Light Duty shall not exceed those limits as defined in Paragraph K, Subsection 10. Employee may be eligible for FMLA as defined in Paragraph G.
10. Job Retention While Disabled Due to Off-the-Job Illness or Injury. All employees in regular full-time status and disabled due to off-the-job illness or injury shall have the right to return to work at their previous position during the first six (6) months of continuous disability, subject to doctor’s certification as to their fitness for employment.

A regular part-time employee in their introductory period who is disabled due to off-the-job illness or injury shall have the right to return to work at their previous position during the first 2 weeks, subject to doctor’s certification as to their fitness for employment. All full-time employees on introductory status and regular part-time employees disabled due to off-the-job illness or injury shall have the right to return to work during their first 30 days of disability subject to doctor’s certification as to their fitness for employment.

Subject to applicable law the City will not provide a position for:

- a. An employee in regular full-time status and disabled due to off-the-job illness or injury after the first six (6) months of continuous disability.
  - b. A regular full-time employee in initial introductory status or regular part-time status and disabled due to off-the-job illness or injury after the first thirty (30) days of disability.
11. Benefits While Disabled Due to Off-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 compensation 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.

L. 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.

M. 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 of Harrisonville or litigation involving the City of Harrisonville. 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.

N. 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.

O. Approved Leave of Absence without Pay

Supervisors, with the approval of the City Administrator, may grant a regular full-time employee 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.

P. Unapproved Absence

Vacation or compensatory time leave must be approved 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.

Q. 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.

R. Absence - Exempt Employees

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

S. 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 VI

ALCOHOL AND DRUG ABUSE POLICYA. Policy Statement

The City of Harrisonville, 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.

B. 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.

Pursuant to the Omnibus Transportation Act of 1991, the United States Department of Transportation (DOT) has enacted regulations that mandate urine drug testing and Breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The DOT has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT previously enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988", which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

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.

C. 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:

1. Any employee required to obtain a Commercial Driver's License (CDL)
2. Public Safety Officers (Police, EMS, and Fire)
3. Communication Officers
5. Water Treatment Plant Operators
6. Animal Control Officers

*Amended June 1, 2015-Resolution 029*

D. 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.

E. 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:

1. The identity of the person(s) designated to answer employee questions about the City's policy and testing programs.
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.

3. Information explaining when CDL drivers are subject to Federal Drug and Alcohol testing rules, if applicable.
4. Explanations of employee conduct which is prohibited by this policy and the circumstances under which an employee will be tested
5. The drug and alcohol test procedures.
6. An explanation of when testing is required by State and/or Federal rules.
7. An explanation of what constitutes a refusal to test
8. An explanation of the consequences of violations of this policy
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.

F. Prohibited Substances. Prohibited substances addressed by this policy include the following:

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, opiates, 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.
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.

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.

#### G Prohibited Conduct

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.
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.
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 or when his/her blood alcohol concentration is 0.04 or greater. 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.

#### H. Employee Responsibilities

An employee must:

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;
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;

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;
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;
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;
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.
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.

#### I. Supervisor Responsibilities and Guidelines

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.
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 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.
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.
  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.
  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.

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

#### J. 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 K, 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.

K. Testing for Prohibited Substances

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). All testing will be conducted consistent with the procedures put forth in federal regulations administered by the Department of Transportation.

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.

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.
  
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.
  
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 that results in a fatality. 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.

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.

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.
  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.
- L. 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.
  - M. 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.

- N. 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.
- O. 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.

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

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.
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.
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.

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.
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.
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.
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.

Q. 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:

1. A release to work statement from an approved Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing.
4. A statement of expected work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry agreement is grounds for termination.

R. Policy Contact. Any questions regarding this policy or any other aspect of the drug-free and alcohol-free program should be directed to the Human Resources Office.

## SECTION VII

APPLICATIONS AND APPLICANTSA. 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 and 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.

B. Application Forms

All applications shall be made on forms prescribed by the City and shall be filed with the Human Resources Office on or prior to the closing date 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 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 files 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 filed within the appropriate department.

C. Disqualification

The City Administrator, or his/her designee, may reject any application that indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications also shall be rejected if the applicant has been convicted of a felony, has made any false statement of any material fact or practice, or attempted to practice any deception or fraud in his/her application. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the properly designated office. Applications, whether accepted or rejected, shall remain on file for one year and shall not be returned.

D. Residence of Employees and Applicants

Principle Place of Residence-defined as that place which 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 to live inside Harrisonville city limits but are not required to. 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 with thirty (30) minutes. Department directors shall establish the first responders for their respective service areas.

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

*Amended Resolution 2013-018, 5/6/13*

E. Relatives – Hiring and Continued Employment of Relatives

It shall be the City's policy to not employ individuals in the same department in a supervisor/subordinate relationship who are members of the employee's immediate family. This includes temporary or part-time help. 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. If the situation still exists at the end of six (6) months, the subordinate shall be terminated from employment in the Department or City. This policy shall not apply to relationships existing prior to January 25, 1993.

F. 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 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.

*Amended Resolution 030-09, 07/21/14-effective September 1, 2014*

## SECTION VIII

METHOD OF FILLING VACANCIESA. Requisition

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

B. Nondiscrimination

The City is an Equal Opportunity Employer and will not permit discrimination based on race, gender, color, age, national origin, 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.

C. Appointment

After interview, the appointing authority may make appointments from among applicants based on ability, training, 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; 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.

D. Types of Appointments1. 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.

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. 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, 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 that employee being promoted into that 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 filed 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 IX

INTRODUCTORY PERIODA. 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.

B. Duration1. 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.

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.

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.

C. Introductory Service Ratings1. General Employees

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

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.

D. Release During Introductory Period

At any time prior to recommendation and approval for regular status, his/her appointing authority, with approval of the City Administrator may release an employee. Notice of release shall be in writing and shall be served on the employee so released. 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.

E. Rejection Following Promotion

Any employee who fails to qualify during an introductory period following a promotional appointment shall, forthwith, be reinstated to the position, if such position has not been filled, from which he/she was promoted, unless he/she is discharged for cause in the manner prescribed in these policies. If the position has been filled and there does not exist a vacancy in a position for which he/she may be qualified, he/she shall be put on an eligibility list for the position he/she previously held, or for a new position for which he/she would qualify.

## SECTION X

SEPARATION AND DISCIPLINARY ACTIONSA. 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 X, Paragraph J.

B. 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 without competitive examination, 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.

C. 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 appropriate office of the intended action, with reasons and support thereof, and a statement certifying whether the service of the employee is affected. The names of the employees laid off under this provision shall be placed on a re-employment list.

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 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.

2. Reemployment after Lay Off

The appointing authority may rehire employees who have been placed on a reemployment list 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 Lager's requirements at that time.

D. 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).

E. Reason for Disciplinary Action

Any action which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good reason for disciplinary action against any officer or employee of the City. Circumstances constituting reason for disciplinary action shall be a matter of record. Disciplinary action may include 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:

1. Incompetence or inability to perform the duties as required
2. Offensive conduct that brings discredit upon the City or the service
3. Insubordination
4. Misappropriation, destruction, theft or conversion of City property
5. Conviction of felony or other crimes involving moral turpitude (this conviction constitutes grounds for dismissal)
6. Excessive absenteeism, absence without good cause or failure to report after a leave of absence has expired, or has been revoked or canceled.

7. Violations of the provisions of these policies
8. Disregard of others
9. Falsification of any information required by the City
10. Failure to properly report accidents or personal injuries
11. Neglect or carelessness resulting in damage to City property
12. Knowingly driving a City vehicle without a valid driver's license or CDL license.
13. Disregard for the City's safety policies.
14. Repeated convictions during employment of misdemeanor and/or traffic charges.
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.
16. Unauthorized use of City vehicles
17. City Employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for offices of Mayor or Aldermen. No City employee, other than police officers, firefighters, emergency medical personnel and others defined as first responders in R.S.Mo. § 192.800 ("First Responders"), shall actively advocate or oppose the candidacy of any individual for nomination or election to the office of Mayor or Alderman, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her performance as a City employee. Employees are expected to exercise their right to vote in municipal elections, and may provide information based on City approved educational literature regarding issues to the citizens we serve but employees other than First Responders shall not take a public stance in any municipal election. First responders shall not actively participate in political affairs at any level of government, including advocate or oppose the candidacy of any individual for nomination or election to the office of Mayor or Alderman, while on duty or while in uniform. Failure to comply with these provisions is grounds for dismissal. (Resolution 11-09, 3/16/09)
18. 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.

19. 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.
20. Willful failure to comply with Department Standard Operating Procedures (SOP) manual.

F. Oral Reprimand

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

G. 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.

H. 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 may be discharged.

I. 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 specifically 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.

J. 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 specifically 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.

K. 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 specifically 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.

L. Exit Interviews

All employees of the City of Harrisonville will be given the opportunity to participate in an exit interview with the City Administrator 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.

M. 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 XI

HANDLING OF SUGGESTIONS, COMPLAINTS, APPEALSA. Suggestions

The City Administrator may set up a formal system for the receipt, acknowledgment, recording, and action on suggestions of employees for improving municipal service.

B. Procedures for Handling Complaint and Grievances

1. An employee who feels he/she has a grievance or complaint shall discuss the issue or issues 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 grievance or complaint.
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 grievance 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 grievance
3. The immediate supervisor shall consider the written grievance/complaint and provide the employee with a written notice of his/her decision within five (5) standard working days of receipt to the written grievance.
4. If the grievance presentation fails to settle the grievance, the employee may, within three (3) standard working days submit a written appeal with supporting documentation, of the immediate supervisor's decision to the Department Head. If the Department Head is the immediate Supervisor, the grievance/complaint shall be submitted directly to City Administrator, and the procedures outlined in subsection seven (7) shall apply.
5. The Department Head shall confer with the aggrieved employee within ten (10) standard workdays and the employee's immediate supervisor before rendering a decision. Such decision shall be in writing and shall be delivered to the aggrieved employee within five (5) standard workdays of the conference.
6. If appeal to the Department Head fails to resolve the grievance, the employee may, within three (3) standard workdays of receipt of the decision on the appeal, submit an appeal to the City Administrator.
7. On receipt of such appeal, the City Administrator or his/her designated representatives shall expeditiously as possible hear matters pertinent to the grievance. The City Administrator will designate the date and time of the appeal hearing. The decision of the City Administrator shall be final and no further right

of administrative appeal shall be provided to the employee. The decision of the City Administrator shall be delivered to the employee within seven (7) standard workdays of the conclusion of the hearing before the City Administrator or his/her designated representative. The City Administrator shall forward a copy of the decision to the employee concerned, to the Department Head involved and to the Human Resource Manager.

8. If the employee fails to submit or process his/her grievance/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 grievance 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. The City Administrator shall notify all parties of said extension time.
9. In case of a grievance regarding the Americans with Disabilities Act, see City Resolution R-92-14 dated November 23, 1992.
10. Complaints concerning sexual harassment should be handled in accordance with Section II, Paragraph H.

C. 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 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, shall have the right to be heard and to present evidence. The City Administrator may conduct a formal hearing process. An appellant's failure to attend or notify the City Administrator of his/her inability to attend will constitute just cause for dismissal of the appeal. After the hearing and consideration of the evidence, the City Administrator shall render the decision, in writing within five (5) working days after closing of the hearing.

D. Authority to Lay-Off

Nothing in these rules shall prevent an employing authority, with the approval of the City Administrator from laying off any classified employee whenever he/she deems it necessary because of a material change in duties or organization, because of a shortage of work or funds or for discipline issues.

## SECTION XII

TECHNOLOGY POLICYA. Introduction

It is the express purpose of this policy to establish guidelines and standards for the use of City owned computing equipment. It is also intended to give employees a clear understanding of the expected and accepted use of the City's computer/internet/voice mail & e-mail systems. Contained in the sections following are guidelines, standards, and other material that may be helpful to the computer user. It outlines the City's position on monitoring and access to employee computer files and is designed to inform employees under what circumstances all computer files may be accessed. It is fully expected that the material contained herein will be revised and supplemented as new products are introduced and understanding evolves on how best to accommodate information processing needs.

Just because a particular activity is not expressly stated or prohibited by the policy does not mean that an employee is allowed to engage in it. General established personnel policies and guidelines will be used to address situations that are not expressly written in the policy.

This policy applies to all employees, part-time employees, volunteers, and other individuals who are provided access to the City's computer system. Employees who separate from City service have no right to the contents of their computer files and are not allowed access to the computer system without permission of City Administrator.

This policy may only be changed upon the written approval of the City Administrator.

City Administrator may authorize upon request additional individual department policies.

The City respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work related conduct or to the use of City provided equipment or supplies.

The general standards of conduct expected of a City employee or public official also apply to the use of City computing resources.

The resources include:

- Hardware - Physical equipment used for processing or data communications.
- Software - Programs, programming languages, instructions, or routines, which are used to perform work on a computer.
- Data - Information such as records or textual material stored on or accessible through a computer.

- Communication lines - Telephone, Ethernet, mobile phones, fiber optics or communication lines that allow the transfer of electronic data between computer servers and the Internet.
- System - The hardware, software, data, communication lines and equipment that form the computer network for the City of Harrisonville.

City computing resources are made available to individuals to assist in the pursuit of organizational goals. It is expected that users will cooperate with each other so as to promote the most effective use of computing resources and will respect each other's work even though it is in electronic rather than printed form. Individuals and organizations will be held no less accountable for their actions involving computers than they would be in other situations.

The City seeks to protect the civil, personal and property rights of those actually using its computing resources and seeks to protect the confidentiality of City records stored on its computer systems from unauthorized access.

The City's computer system requires that each user have a unique identity, referred to as a "User-ID", protected by a "Password", which allows a user to gain access to the system. The computer identity is used to represent a user in various system activities; to provide access to certain software and data, based on the users' credibility and purpose for requiring such access, and to associate the user's own software and data with the user's identity. As such, this computer identity is another instrument of identification and its misuse constitutes forgery/ misrepresentation.

Employees shall not have an expectation of privacy regarding any work performed or files stored on the City's computer system.

## B. General Guidelines

### 1. Personal Use of Computers

The City's computer systems are very valuable and are for the sole use of the City. Users are prohibited from using the City's computer systems for personal or private benefit, financial or otherwise. The user's Supervisor must approve incidental personal use of the computer. In the event a question regarding the appropriateness of the use exists, the Supervisor shall discuss such use with the City Administrator.

There are times that employees take part in organizations outside of the City that benefit the City, such as professional organizations, clubs, etc. Since the City encourages participation in these organizations, use of City computers for these types of activities may be authorized by the user's Supervisor. A copy of the employee's written request, along with the Supervisor's approval, must be sent to the Department Head and the City Administrator. Common sense is to be used when utilizing the City's computer resources for such a matter.

To insure the integrity of the City's computer systems, using the City's systems to store personal data and to play computer games is not permitted. Users are also prohibited from allowing family members to utilize the City's computers during or after business hours. This will prevent accidental damage to the system by users who are not trained on such equipment.

2. Harassment

The City's electronic equipment may not be used to harass anyone. This includes without limitation insulting, sexist, racist, obscene, or suggestive electronic mail and/or internet sites; tampering with others' files; and invasive access of others' equipment. In addition, users of any electronic communication facilities - such as electronic mail, networks, bulletin boards, and news groups - are obligated to comply with the restrictions and acceptable practices established for those specific facilities.

Certain types of communications are expressly forbidden. This includes the random mailing of messages; the sending of obscene, harassing, or threatening material; or the use of the facilities for commercial or political purposes.

3. Waste and Abuse

The City's computer systems are a valuable resource, and they should not be abused or wasted. Users must avoid any activity around computer workstations that may result in damage to hardware, software, or information. Eating or drinking while in close proximity to equipment should be minimized as food crumbs and liquid spills can cause severe damage to computer equipment causing it to have to be replaced.

Departments have to share computer resources, therefore, be considerate of fellow employees. Avoid monopolizing systems and connect time, disk space, printing equipment, and other computer resources.

4. User Responsibility

Users are responsible for their own actions with respect to the City's computer-use guidelines and policies. Disciplinary action may be warranted in cases of abuse or disregard of these guidelines. Users also are required to participate in assuring the legal and ethical use of City computers and user accounts. Any violation of these guidelines should be reported through the normal chain of command.

5. Enforcement

The City will investigate all alleged abuses of its computer resources. As part of that investigation, the City may access the electronic files of its employees. If the investigation indicates that computer privileges have been violated, the City may limit the access of employees found to be using computer systems improperly. In the

course of its investigation, the City may reveal flagrant abuses and private, employee-related information to supervisory and management personnel or law enforcement authorities. Due to the municipal ownership of the system, employees shall not have an expectation of privacy in any work performed or files stored on public property.

6. Workplace Monitoring

The City has the obligation to ensure that its computer resources are used properly and within the established guidelines. In pursuit of that goal, the City reserves the right to monitor the system for signs of illegal or unauthorized activity. The Systems Administrator or Police Terminal Agency Coordinator will be completing regular reviews and audits of equipment and software. This is to include the monitoring of e-mail transmissions. Any unauthorized activity on a PC will be dealt with at that time. All situations will be reported to a user's supervisor.

7. User and Department Needs/Wants

The Systems Administrator or Police Terminal Agency Coordinator is available at all times for discussion regarding the City's computer system. If a user or department has a request for hardware, software, programming, etc. it must be submitted in writing to the Systems Administrator or Police Terminal Agency Coordinator via the user's Supervisor. If a Department has suggestions as to how a user's work environment could be improved via the computer system, it should be discussed with the Systems Administrator or Police Terminal Agency Coordinator. Every effort will be made to accommodate requests that fit into the overall plan of the City's computer system.

8. Open Records Law

All files e-mail and other data created on the City's computer system are subject to the Missouri Sunshine Law, also known as the Open Meetings and Open Records Law. Files which would be deemed closed records under the Missouri Sunshine Law if not otherwise stored in the system shall be deemed closed records and inaccessible to the public. Any questions regarding the interpretation of the Sunshine Law should be referred to the City Clerk or the custodian of records. Legal confidentiality of records will be maintained.

C. Computer Software

1. Licensed Software

"Licensed software" refers to software the City has purchased or that has been given under authorized permission from a software company.

The City works hard to maintain an accurate list of software and maintain appropriate user licenses for all software. The breaking of software licensing agreements is a

serious action and could cause financial loss to the City if software protection laws are not adhered to.

It is the City's policy that copying or use of software other than under the stated conditions of the respective license agreement is prohibited. This includes the copying and distribution of associated documentation.

In all situations, the City must hold the actual license for the software before it is installed on the City's computer systems. Any software installed without the license held by the City is illegal and will be removed from the City's systems immediately.

## 2. Unauthorized Use of Software

Users are prohibited from loading any software, including demos, on any City owned computer system except with Supervisor or designated personnel approval. This includes commercial, shareware, and freeware software. Further, users are expressly prohibited from using City computers to make illegal copies of licensed or copyrighted software. Copyrighted software must only be used in accordance with its license or purchase agreement. Users do not have the right to make unauthorized copies of software for themselves or anyone else.

Users are prohibited from using software that is designed to destroy data, provide unauthorized access to the computer systems, or disrupt computing processes in any other way. Using viruses or any other invasive software is expressly prohibited.

Absolutely no software or files from home/personal computers or other agencies are to be installed or placed on the City's computers without Supervisor approval.

## 3. Software Installation and Removal

In a networked environment, it is extremely important that individuals not install software. Software installations often cause changes to the system settings of the computer operating system. These changes could significantly impact the way a computer runs or its ability to access the network. Therefore, the Systems Administrator or Police Terminal Agency Coordinator will install and remove all software programs, including demos. This will allow for consistency between workstations and provide the City with an accurate accounting of what is contained on every local computer and network. City employees often receive diskettes, CD's and various computer media from other cities, clients or businesses that contain computer files. These items are to be evaluated by the Systems Administrator or Police Terminal Agency Coordinator before they are loaded on the City's computer system. Once the Systems Administrator or Police Terminal Agency Coordinator has evaluated and virus checked the item, the Systems Administrator or Police Terminal Agency Coordinator will put the item in a location that is accessible to the user.

4. Shareware/Freeware

Shareware and freeware will be evaluated for use by the Systems Administrator or Police Terminal Agency Coordinator just as any other piece of software. Departments will follow the proper procedures for submitting a request for the purchase of shareware or the use of freeware.

5. Images, Screensavers, Wallpaper and Sound Files

It is not appropriate or an accepted practice to load screen savers or wallpaper backgrounds from other computers onto the City's computers. The addition of image files (i.e. pictures of miscellaneous items), screen savers, wallpaper or sounds to the City's computer system is considered to be an installation. Wallpaper backgrounds utilize unnecessary disk space and could potentially cause problems if large numbers of these items are loaded. Files such as these also often carry the potential for viruses and will not be allowed on the City's computer systems unless put there by the Systems Administrator or Police Terminal Agency Coordinator.

6. Software Inventory

The Systems Administrator or Police Terminal Agency Coordinator will maintain a software inventory. If the City owns only one copy of a specific piece of software, the Systems Administrator or Police Terminal Agency Coordinator will maintain manuals. The Systems Administrator or Police Terminal Agency Coordinator, for easy access, retrieval and tracking, will maintain all software in a safe location.

All software disks will be located in the Systems Administrator or Police Terminal Agency Coordinator's office for proper storage and security.

D. Internal and External Electronic Mail (E-Mail)

The City of Harrisonville's electronic mail system (e-mail) is designed to facilitate City business communication among employees and other business associates for messages and memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal communication. Furthermore, senders of confidential information via e-mail must label transmissions accordingly so those receivers handle the data properly.

The electronic mail system is to be used for City related business. The system is not to be used for employee personal benefit or to support or advocate for non-City related business or purposes, unless it has been specifically authorized through the Supervisor or the City Administrator. All data and other electronic messages within the system are the property of the City of Harrisonville. E-mail messages are City records and therefore need to adhere to department data retention schedules. Users are prohibited from transmitting fraudulent, harassing, or obscene messages and files. Users must not send any electronic mail or other

form of electronic mail communication by forging another person's identity or attempt to conceal the origin of the message in any other way.

Incidental and occasional personal use of e-mail is permitted, with prior approval of the Supervisor, by the City of Harrisonville, but these messages will be treated the same as other messages. The City reserves the right to access and disclose as necessary all messages sent over its e-mail system without regard to content. Since the City without prior notice can access each user's personal messages, users should not use e-mail to transmit any messages such user would not want read by a third party. For example, users shall not use the City e-mail for gossip, including personal information about themselves or others, for forwarding information under circumstances likely to embarrass the sender or for emotional responses to business correspondence or work situations.

Users are prohibited from distributing their e-mail addresses to users that are not for professional or business use.

Although each employee has an individual password to access this system, it belongs to the City and the contents of e-mail communications are accessible at all times by the Systems Administrator or Police Terminal Agency Coordinator for any business purpose. Accordingly, City reserves the right to periodically review the contents of an employee's e-mail communications without notification to the employee. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization. The misuse of e-mail privileges shall be subject to discipline in accordance with the Personnel Manual, and/or applicable rules or laws.

Users of external or Internet e-mail must be aware of and at all times attempt to prevent potential City liability in their use of the Internet. For that reason, all outgoing messages, which do not reflect the official position of the City, must include the following disclaimer or similar language:

"The opinions expressed herein are my own and do not necessarily represent those of the City of Harrisonville."

#### 1. Retention of E-Mail

Generally, e-mail messages are temporary communication, which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a Department's record retention schedules. These e-mail messages are similar to printed communication and should be written with the same care. Each Supervisor has the option of establishing and maintaining department retention schedules for the information communicated through the e-mail system. Retention schedules per requirements of the Secretary of State are available from the City Clerk.

Employees should be aware that when they have deleted a message from their mailbox it might not have been deleted from the e-mail system. The message may be

residing in the recipient's mailbox, forwarded to other recipients or be sitting on the e-mail server. Furthermore, the message may be stored on the computer's backup system. If department policy is not to delete files this department policy will override this section.

2. Review of E-Mail

It is important that e-mail (incoming messages) be reviewed and responded to appropriately, usually by the end of the business day. Supervisors are responsible to ensure appropriate use.

3. Deleting Files

Files may be deleted pursuant to department policy.

4. Computer Games

Since games are not proper business software, all computer games will be removed from City owned computer systems.

5. Data Files

If a user's computer is connected to a network, all files created by that machine will be saved to a user's account of the fileserver. No data is to be saved to the hard drive of a local network machine. The exceptions to this would be laptops connected to a network or with Supervisor approval files may be saved on certain machines. This is for the protection of the user. Local machines are not normally backed up. Therefore, if a system were to crash, files stored on the local hard drive would be lost.

Saving of data created by machines not on a network will have locations specified by the Systems Administrator or Police Terminal Agency Coordinator. Default directory paths of software applications are not to be changed unless otherwise approved by the Systems Administrator or Police Terminal Agency Coordinator.

E Radio Communication

Radio communications is a tool that has been provided to employees that work in the field to better communicate with other staff and to provide another resource to contact dispatch in an emergency.

With the current configuration of the radios, the likelihood of hearing sensitive information is very possible. The police department as well as the emergency services department will sensitive information frequently across their talk groups. This information cannot be repeated by those not involved in the incident.

There are federal laws that prohibit the dissemination of these types of sensitive information. Under no circumstances shall privileged or sensitive information or investigations information be discussed with any unauthorized person. If the information is in question, then it will be considered privileged or sensitive and not disclosed. The information shall not be written down or recorded by non-essential personnel.

The individual assigned a radio or has access to a portable, mobile, or desk top radio shall be required to be trained on its proper use and handling of the information that comes across the radio.

#### Radio Procedures: Non-Fire / EMS and non-Police Department Radios

1. Radios shall not be turned to the police or fire talk groups unless it is needed for emergency communications.
2. Information heard across these talk groups shall not be disclosed or disseminated in any fashion. This includes the following information:
  - a. Location of an incident
  - b. Type of Incident
  - c. Names
  - d. Personal Information
3. Personnel shall refrain from traveling through an area that has been identified as an emergency, unless your department has been called to assist in the mitigation of the incident.

Due to the sensitive nature of these two radio talk groups, all personnel associated with the radio usage shall be fingerprinted by Harrisonville Police Department **and complete "Security Awareness Training"**. Those employees shall also sign a form indicating their acknowledgement of the policy regarding the radios and their usage. *Resolution 008, 01/18/16*

#### F. Voice Mail

This policy applies to the use of Voice Mail by all Departments City wide.

##### 1. Legal Obligations

Use of City telephones is subject to all federal, state and local law, including but not limited to:

R.S.Mo. 569.094-569.099 concerning computer crime;  
 R.S.Mo. 573.010-573.065 concerning pornography and related offenses; and  
 The Federal Communications Decency Act of 1996

The Missouri Sunshine Law (R.S.Mo. 610.029), which specifically provides that electronically stored data is subject to an information request, applies to all electronic information, including voice mail, unless otherwise exempted by state law.

2. Sanctions

Penalties for violation of this policy range from the loss of voice mail privileges to dismissal from City employment, prosecution and/or civil action. Each case will be determined separately on its merits in accordance with City policies and federal, state and local law.

3. Definition of Terms

Voice Mail is an electronic voice messaging system that gives you an easy, fast, and dependable way to communicate with people. It allows you to:

- listen to, record, edit, and send messages
- send a message to more than one person
- set a date and time for message delivery
- play back message either at your desk, or from almost anywhere

External Calls are calls made outside your phone system to the City.

Internal Calls are calls made within our phone system by dialing a four-digit extension number (380 does not need to be dialed).

Voice Mailbox Denotes the ability to accept a voice mail at a specific phone number by dialing into the system.

4. Responsibilities

Departments are encouraged to use voice mail to better serve both internal and external publics. Voice mail is never to be used as a mechanism for screening calls. Such action is subject to discipline. Each department is allowed to set up and enforce additional voice mail or telephone policies, which may be applicable to its activities. Such policies may not conflict with the City policy.

City telephone numbers published in the telephone directory should not use voice mail as the primary means of answering the phone during business hours. Those phones may have the voice mail option for after hours and internal messages, but should always be answered by a “live” person during business hours. (Example: If your main line, published to the public, is 864-1010 and no one is available at the normal desk to answer that line, it should be forwarded to another number so it is a seamless transition for the public. There should always be a person available in every department to answer public phone numbers, with the possible exception of the lunch hour, to prevent citizens from getting no answer or voice mail.)

The goal is to use voice mail primarily for internal communications, and to minimize the number of times a citizen gets connected with voice mail. There is the option of a voice mail box to service the internal customer. If you experience a problem, the department should be told right away so they can solve it or track the problem.

Messages should reflect when the employee is gone for more than a day (or else the phone should be forwarded to someone else). Calls should never be transferred from voice mail to voice mail.

All requests for voice mail, which includes installation, training and maintenance, must be submitted in writing to the Systems Administrator or Police Terminal Agency Coordinator.

The following are acceptable practices:

Greetings placed on City voice mail for incoming calls must be kept current. If an employee with voice mail privileges is out of town or away from the desk for an extended period, the message must reflect when calls will be returned.

It is important that voice mail (incoming messages) be reviewed and responded to appropriately, usually by the end of the business day. Supervisors are responsible to ensure appropriate use.

It is advised that every voice mail offer the option to the caller of pushing “O” for operator assistance.

Voice mail messages (incoming or outgoing) should be business-like and professional. Use of obscenity or other offensive language is grounds for discipline.

Employees should be aware that voice mail messages might be monitored. A supervisor through the Systems Administrator or Police Terminal Agency Coordinator may access individual voice mail accounts.

There must be a “live person” at the end of any calling cycle - departments are responsible to check their system to make sure no black holes exist and that all calls roll to a live answer during business hours.

#### G. Internet Access

The Internet provides the City with significant access and dissemination of information to individuals outside the City of Harrisonville. The use of the City’s Internet system access and dissemination is intended to serve City business interests. Internet access for personal use is prohibited. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Therefore, users must use

caution in the transmission and dissemination of messages outside of the City, and must comply with this policy as well as all state and federal laws.

A wide variety of information is available on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can therefore not be responsible for the content of information on the Internet.

Resources of any kind for which there is a fee must not be accessed or downloaded without prior approval of a supervisor.

This policy is intended to prevent the misuse of Internet access, specifically as it pertains to the following unacceptable practices:

*Improperly downloading files that contain viruses that may contaminate City information systems and databases*

*Accessing objectionable or improper material.* This would include material containing obscene or sexually explicit material with the limited exception when such material pertains directly to research in the line of work. Also included in this are sites such as chat rooms that contain this type of material

*Use of work time to browse the Internet for private interests.* Use of private or personal time will be allowed with prior approval from Supervisor during non-work hours

*Misrepresenting an individual's opinion as City policy or opinion.*

1. Granting Internet Access

The City's resources to access the Internet are limited; because of this the number of people with access to this resource must be closely monitored. Access to the Internet will be evaluated on a per user basis by the Supervisor, and notice shall be made to the City Administrator by the Supervisor. In general, it is advised the Supervisor only request access for employees who would make frequent use of the Internet as a routine part of their jobs. Other authorized users should support employees making only occasional use of the Internet.

2. Generally Accepted Internet Policies

No one may participate in any activity which violates the spirit of cooperation that is the basis of the Internet. The individual is responsible for his/her image on the Internet as well as the image of the City. Any employee of the City who has Internet access is expected to comply with these use guidelines, the generally accepted policies and practices of the Internet and the local policies and procedures that apply to a resource to which the user may have access.

### 3. Listservs

A user enlisting their e-mail address into a listserv is strictly prohibited. Inundation of e-mail from listservs could potentially cause an overload in the City's e-mail system. Listservs from professional organizations and business related topics will be considered through the individual's Supervisor.

If approval is granted to a listserv, users must unsubscribe from the service when leaving town for an extended period of time, thus not allowing outside mail to bottleneck the City's resources.

## H. System Security

It is the responsibility of each user to ensure that the City's computer system is adequately protected against unauthorized access. All users will use the access controls and other security measures provided and will take prudent and reasonable steps to limit unauthorized access to individual user accounts.

Use of computer facilities must be authorized by the account holder/user or by the System Administrator or Police Terminal Agency Coordinator. Permission must be granted by the Supervisor prior to using another user's computer account or user ID.

### 1. Attacking the System

Users must not deliberately attempt to degrade the performance of the City's computer system or subvert it in any other way. Deliberately trying to crash the system is expressly forbidden.

### 2. Logging Off/Powering Off the Computer

Users should be aware that the system is susceptible to security breach whenever computers are left unattended. Appropriate measures should be taken to protect individual user accounts and the entire computer system.

If you are away from your desk for 30 minutes or more, it is suggested that users log out of the network, so as not to allow someone to access your data. This includes complete termination of your connection to the network or use of a password protected screen saver in unsecured areas. Password lists are to be given to Systems Administrator. If you are going to be out of the building it would be recommended to log out completely in case of power failure, etc.

All computers are to be powered off, unless computer is included in the back-up process, when leaving for the evening. Leaving computers on or attached to the network could interfere with nightly backup procedures.

When exiting the network, all programs should first be exited properly and then you should log out of the network. After logging out of the network the computer will notify you that it can be properly shutdown.

3. Dial-In/Dial-Out Via Modem

Access to City computers via dial in modem will be given at the discretion of the Systems Administrator or Police Terminal Agency Coordinator. All authorized access entities should be documented and kept on file.

4. Passwords

Keep passwords and accounts confidential. When creating a password, users should avoid using their name, name of a spouse, child, friend or pet, or a password that could easily be guessed. If you should forget your password or share it with someone else, it is your responsibility to see the Systems Administrator or Police Terminal Agency Coordinator to have it changed.

The network is secure and each user will have a private directory to which only they have access. There are times that passwords are used to protect files, screen savers, directories, etc. If a user utilizes a password feature as approved by department policy, it is the user's responsibility to immediately provide the password to the Systems Administrator or Police Terminal Agency Coordinator. This is both for your protection and for the City's protection. The system is often worked on after hours and passwords could restrict the Systems Administrator or Police Terminal Agency Coordinator from gaining access to the required resources.

5. Unauthorized Access to Files and Directories

Users must not engage in any activity that is intended to circumvent computer security controls, including but not limited to, attempts to crack passwords, discover unprotected files, or decode encrypted files. This also includes creating, modifying, or executing programs that are designed to secretly penetrate computer systems.

Users must not access the accounts of others with the intent to read, browse, modify, copy, or delete files and directories unless specific authorization has been given.

Accounts may not be used for purposes not authorized when the account was established, including personal and commercial uses.

I. Web Page Content and Design

In order for the city to maintain a consistent, quality presence on the Internet and to assist departments in creating and publishing information on the Web, the Web Master has established web page design templates, content suggestions and posting procedures.

Departments are ultimately responsible for information as it appears on their web pages. However, the Web Master reserves the right to review the Web site for accuracy and appearance. The Web Master also reserves the right to request immediate changes or removal of pages if the content is deemed inaccurate or inappropriate for publication. In the event of a disagreement, the Web Master will work with the appropriate department director to resolve the issue.

Each department should select a representative to serve as an editor and coordinator for its Web pages. The coordinator's responsibilities should include ensuring the timeliness and accuracy of the content of the department's web pages.

Departments may not create or contract for their own web sites on a non-city server without approval of City Administrator.

## J. System Administration

### 1. Computer System Settings

The computers are setup for consistency and to ease management of the network. Users may only change wallpaper and window colors, screen savers, toolbars and application icon locations. Items other than those specified are not to be tampered with. It is extremely important that no other changes are made to the system. All other system settings will be established and maintained by the Systems Administrator or Police Terminal Agency Coordinator. This allows for a level of consistency to be created throughout the City's computer system allowing for users to move from one system to another and still be familiar with the software and hardware. It also creates an environment that is conducive to quick troubleshooting techniques for the System Administrator or Police Terminal Agency Coordinator.

If users should need assistance with changing the settings specified above, see the Systems Administrator or Police Terminal Agency Coordinator for help.

If users share a computer with other users, please be considerate of their preferences. Do not change settings, etc. unless mutually agreed upon.

### 2. Backup Schedules

Designated staff may complete nightly backups as identified by the Systems Administrator or Police Terminal Agency Coordinator.

Nightly backups are scheduled as designated.

Users are asked to be logged out of the system if possible during the backup times. Failure to do this will cause files to be skipped that should have been backed up.

All servers complete a full back up on a nightly basis, with the exception of the e-mail server. This server completes a partial backup because of the nature of the e-mail system. In order to complete a full system backup, all users will have to be logged out of the e-mail and scheduling system. This backup will be completed on a schedule coordinated with the Police Department because of the nature of their job activity.

3. Preventative Maintenance

Routine preventive maintenance will be the responsibilities of the Systems Administrator or Police Terminal Agency Coordinator and of the computer user. Dusting keyboards, screens, and the external cover of the CPU will be the responsibility of the computer user. It is requested that the user provide the above listed preventative maintenance at least once a month to their workstation. The proper supplies for these practices will be available from the Systems Administrator or Police Terminal Agency Coordinator. Routine preventive maintenance will significantly increase the life of a computer and its operations.

The Systems Administrator or Police Terminal Agency Coordinator will be responsible for any internal cleaning of CPU's and printers. Additional preventative maintenance is completed through an outside vendor under a bid maintenance contract.

4. Computer Supplies

All computer supplies will be budgeted and purchased through the Supervisor to allow for better inventory control. Supplies will be centrally located and issued by the Property Control Manager. If the Property Control Manager is not available, any item taken must be recorded on a supply log. Police Department may maintain separate supplies issued by the Police Terminal Agency Coordinator. This is to include disks, ribbons, toner, mouse pads, surge protectors, cleaning supplies, etc.

5. User Support

The Systems Administrator or Police Terminal Agency Coordinator is the primary support for all software and hardware issues. All questions on computer related activity should be directed to the Systems Administrator or Police Terminal Agency Coordinator. If the Systems Administrator or Police Terminal Agency Coordinator is unavailable or unable to assist the user at that time, users will be referred to someone that can help within the department or tech support for certain programs.

All hardware and software issues should immediately be brought to the attention of the Systems Administrator or Police Terminal Agency Coordinator. Users are not to try to fix hardware and software problems on their own.

Other users are a means of support, however, be conscientious of time when asking others for assistance.

6. Training/Documentation Library

A library of all computer manuals and reference material will be maintained in the Systems Administrator or Police Terminal Agency Coordinator office and will be available for use by all employees. The manuals may be removed from the office by signing the sign out sheet that is located on the shelves. Once a manual is returned, the System Administrator or Police Terminal Agency Coordinator will cross your name and manual off the list.

Use of CD-ROM's and videos will be limited to use at the City's facilities. Employees will not be permitted to take CD-ROM's and videos home without Supervisor approval. The user's supervisor will address any violation of this policy.

K. Violations of This Policy

Supervisors are responsible for the implementation and adherence of this policy within their departments. In the event that any department or division policy contradicts this policy, this policy shall govern.

Abuses of City computing resources or violations of this policy will be referred to the employee's Supervisor and may be referred to the City Administrator for consideration under the City's disciplinary processes or other appropriate remedies. Any referral may be accompanied by a temporary suspension of computing privileges awaiting the outcome of the disciplinary process or investigation. If software or files have been installed, the application or file will be immediately deleted, with no consideration of allowing time for backups or copies. In addition, Missouri and Federal laws contain specific criminal statutes with respect to improper use of computers. Therefore, inappropriate use of City computing resources may be subject to criminal or civil legal action in addition to City disciplinary action.

L. Definitions

Downloading: The transmission of a file from one computer system to another, usually smaller, computer system.

Electronic Mail: The exchange of computer-stored messages by telecommunication.

Freeware: Programming that is offered at no cost. However, it is copyrighted so that you can't incorporate its programming into anything you may be developing.

Incidental Use: A subordinate use that does not interfere with the overall business use and does not have a negative impact on the operation of the system.

Internet: A worldwide system of computer networks and, in a larger sense, the people using it. It was conceived by the Advanced Research Project Agency (ARPA) of the U.S. government in 1969 and was called the ARPAnet. The original intent was to construct a network that would continue to function even if a large portion of it were destroyed, for example, in the event of nuclear war. The Internet is now a public, cooperative, and self-sustaining facility accessible to tens of millions of people worldwide. Physically, the Internet uses a portion of the total resources of the currently existing public telecommunication networks.

Internet Access: Being able to get to what you need on the worldwide system of computer networks known as the Internet. Data access is being able to get to (usually having permission to use) particular data on a computer.

Internet E-mail: E-mail (electronic mail) is the exchange of computer-stored messages over the Internet.

Listserv: A small program that automatically redistributes e-mail to names on a mailing list. Users can subscribe to a mailing list by sending an e-mail note to a mailing list they learn about; listserv will automatically add the name and distribute future e-mail postings to every subscriber.

Police Terminal Agency Coordinator: Oversees operation of Police Department electronic system in coordination with System Administrator.

Shareware: Software that is distributed free on a trial basis with the understanding that the user may need to want to pay for it later.

Systems Administrator: Oversees operations of City's electronic systems.

Virus: A piece of programming code inserted into other programming to cause some unexpected and, for the victim, usually undesirable event. Viruses can be transmitted by downloading programming from other sites or be present on a diskette. The source of the file you're downloading or of a diskette you've received is often unaware of the virus. The virus lies dormant until circumstances cause its code to be executed by the computer. Some viruses are playful in intent and effect and some can be quite harmful, erasing data or causing your hard disk to require formatting.

## SECTION XIII

WORKPLACE VIOLENCE POLICY

## A. No Tolerance

The City of Harrisonville recognizes the need to provide for the safety and security of all employees, citizens and other persons. Therefore, the City of Harrisonville will not tolerate threats, threatening behavior, or acts of violence against employees, citizens or other persons by anyone on the city's property. This includes physical attacks, verbal or physical threats, destruction of property, sexual harassment, intimidation or abusive language.

## B. Workplace Violence Defined

Workplace violence may consist of acts of violence, such as a physical attack or property damage; threats of violence; or behavior which places another in apprehension of physical attack or property damage, including harassment. Threats of violence may be direct, hidden or veiled, or conditional.

1. *Physical Attack* is unwanted and/or hostile physical contact such as hitting, fighting, pushing, shoving, biting, spitting and throwing objects.
2. *Property Damage* is the intentional damage to property, which includes property owned by the City, employees, citizens or other persons.
3. *Harassment* is conduct that is unwelcome and may create an intimidating, hostile or offensive work environment.

## C. Prohibited Acts

It is a violation of this policy to engage in any act of workplace violence, except for law enforcement personnel as authorized by law and within the confines of the Police Department policies on use of force.

No person, excluding law enforcement personnel as required by their employment, is permitted to bring weapons or firearms into City buildings or within city vehicles. This shall not include appropriately designated sites including the city's trap and skeet range, archery range, Lake Harrisonville duck hunting season or such approved event permit as may be scheduled for city facilities.

D. Penalties for Violations of this Policy

Any person who poses a threat to himself or others may be removed from City premises and may be ordered to remain off the City's premises pending the outcome of an investigation. Removal of an employee from City premises will be immediately reviewed by the City's Incident Management Team as identified in this policy.

Penalties for violation of this policy may include, but are not limited to the following:

1. Filing of criminal charges, when appropriate.
2. In the case of an employee, disciplinary action up to and including termination. An employee may be required to attend counseling as a condition of continued employment.
3. In the case of a non-employee, suspension and/or termination of any business relationship.
4. Prohibition from entrance on City property for a specified period of time.

E. Employer Responsibilities

The City will make every effort to ensure that employees are trained in handling incidents of workplace violence, including, but not limited to:

1. Issuing a copy of this policy to all employees along with an explanation of how it is to be implemented
2. Reviewing this policy with new employees during orientation
3. Providing annual refresher training on handling incidents of workplace violence

All City officers and employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.

F. Incident Management Team

There is hereby established an Incident Management Team consisting of the City Clerk, Police Chief, Fire Chief and Human Resources Manager. In the event that a member(s) of the incident management team is implicated in a workplace violence incident, that member(s) will be replaced with substitutes assigned by the City Administrator. The Incident Management Team is responsible for:

1. Evaluating the City's policies for responding to workplace violence, and recommending changes as needed
2. Evaluating concerns regarding potential or actual workplace violence, and recommending responses, as necessary
3. When an incident of workplace violence has occurred, or concerns have been expressed regarding the possibility of workplace violence, involving an employee as the perpetrator:
  - a. Recommending appropriate actions to protect the victim and other City employees from further incidents of violence
  - b. Assessing an employee's fitness for duty (through medical and/or mental health professionals)
  - c. Recommending intervention techniques
  - d. Assisting employee victims in obtaining necessary assistance from law enforcement and medical personnel, including EAP assistance

Nothing set out in this section shall prohibit a Department Director from taking such steps as may be necessary to provide immediate protection for City employees from incidents of workplace violence.

## G. Employee Responsibilities

In the workplace, any employee witnessing violence directed against another or him/herself shall call a supervisor or 911, depending on the situation. The employee should observe the situation and attempt to get information such as the name and description of the perpetrator, but only if it can be done without endangering the employee or others.

Any employee having knowledge of workplace violence involving any other employee (as victim or perpetrator) must report such incident to a supervisor immediately. Disciplinary action may result if an employee having knowledge of a violent act fails to report the incident.

Employees who apply for or obtain a protective or restraining order which lists the city's property or city's facilities as being protected areas must provide this information to the Director of his/her department. The Director must report this information to the Police Chief.

Employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.

All employees are encouraged to communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of workplace violence.

## H. Dealing with a Potentially Violent Situation

Employees are expected to assist the general public and fellow employees in a courteous manner. However, employees are not required to subject themselves to abusive conduct. With this in mind, the following guidelines are suggested.

1. If a person becomes angry or abusive, the employee should courteously attempt to calm the person down. Some ways to attempt to calm an angry person are:
  - a. Talk other person into calming down – empathize, sympathize
  - b. Restate problem as they have explained it
  - c. Focus on behavior, not person
  - d. Avoid direct confrontation
 If that does not work, the employee should ask a supervisor to intervene.
2. If an employee feels that he/she or another person is threatened and in danger of imminent bodily harm, the employee should attempt to leave the scene to call 911, if it can be done safely. If the employee's supervisor is not aware of the situation, the employee must notify the supervisor as soon as it can be done safely.
3. Employees who work in the community are at a higher risk of workplace violence. These employees should take the following precautions:

- a. Uniformed officers should wear bullet-proof vests while on duty, pursuant to department policy.
- b. Employees in the field should have access to a means of communication, such as a radio or cellular phone.
- c. An employee should not enter any location if he/she feels unsafe, unless it is necessary to protect the health and/or safety of others.
- d. Utilize the “buddy system” when appropriate. Non-law enforcement personnel should ask for police assistance if warranted.
- e. Employees in the field should prepare a daily work plan and keep a contact person informed of their location.

#### I. Reporting Incidents

Each incident of violent behavior, whether committed by another employee or an external individual, must be reported to a Department Director. The Department Director will immediately assess and investigate the incident to determine whether immediate action is necessary. The Department Director will then report the incident to a member of the Incident Management Team.

In critical incidents, in which serious threat or injury occurs, emergency responders such as Public Safety (police/fire) and/or ambulance personnel must be notified immediately.

#### J. Recognizing the Potential for Workplace Violence

The following information is provided to employees to assist them in identifying the potential for workplace violence. If it is believed that an employee is potentially violent, the City may intervene to assist the employee in order to prevent the occurrence of incidents of workplace violence. However, employees should be careful in situations not involving actual violence or threats of violence to consider the entire situation.

1. Specific situations in which violence is more likely to occur:
  - a. Job layoffs/terminations
  - b. Increased demands for productivity
  - c. Workplace affairs
  - d. Problems at home
2. Personality types of individuals who may be more prone to acts of violence:
  - a. Argumentative
  - b. Does not cooperate with others
  - c. Loner
  - d. Does not accept authority
  - e. Blames others for his/her problems
  - f. Their job is who they are
3. Behavior of individuals who may be more prone to acts of violence:
  - a. Changes in work patterns

- b. Increased absences/tardiness
- c. Lowered productivity
- d. Increased accidents
- e. Unusual (bizarre) behavior
- f. Depression
- g. Alcohol/drug abuse
- h. Verbal threats
- i. History of violence

K. Conclusion

This policy is established for the benefit of all employees, citizens or other person to ensure a safe workplace. Any questions regarding this policy or violence in the workplace should be directed to the employee's supervisor, the Human Resources Manager or the City Clerk.



## STAFF REPORT

**TO:** Finance/Personnel Committee  
**FROM:** Happy Welch, City Administrator  
**DATE:** April 30, 2018  
**SUBJECT:** 457 Provider

**Type of Item:** *Approval*

Background:

The City currently offers a 457 Retirement Plan (like a 401k but for government employees) through RPA with mutual fund choices from Security Benefit. They have serviced Harrisonville for over ten years. Employees contribute to the 457 for 24 pay periods, decide which mutual fund(s) or target mutual fund(s) they wish to invest in and the provider does the work. It's pre-taxed so there is a little savings to the employee. I sent out information packets to 5 companies and received two responses: RPA and Nationwide. Our committee met with both companies to judge their capacity to educate employees, financial stability, fees and processes.

Issue:

When I began employment with Harrisonville I expected to meet with the 457 plan provider shortly after starting but found the whole experience to be less than ideal for any new employee. I also felt, after the State Audit, that we needed to go out for an RFQ to see what interest there was in a small group like Harrisonville. We have 88 employees in the current plan. I believe with better contact from a provider we could see that number go up and get employees saving for retirement.

Recommendation:

There were 3 members to our interview team: Myself, Marcella McCoy and Jeremy Smith. No other employees volunteered. We reviewed the packets and graded them in 6 categories. Then we invited representatives from the providers in for interviews to get a one on one meeting with who would be the company representative to the employee.

After completing the RFQ response, conducting interviews with the two companies, and contacting references, we are recommending Nationwide to become the 457 provider for the city. We believe their fees are in line with what employees currently pay, they have a better approach getting in touch with new employees and getting them involved in a supplementary retirement plan, and they have other satisfied city governments so they understand this industry.

Cost:

There is no direct cost to the city. It is paid for through the investments.

**2. Action Item (ID # 2870)**

457 Provider

Attachments:

RPA Fund Options & Pricing (PDF)

Nationwide Fund Options & Pricing (PDF)

## Proposed Fund Roster City of Harrisonville as of 12/31/2017

Fund Name	Ticker	Morningstar® Category	Category Peer Rankings					Returns					Trailing 5 Years			Risk-Adjusted Returns				
			1 Year	3 Year	5 Year	10 Year	1 Year	3 Year	5 Year	10 Year	Annualized	Standard Deviation	Maximum Drawdown	Peer Ranking	5 Year	3 Year	5 Year	Sharpe Ratio		
<b>Fixed Income</b>																				
Vanguard Total Bond Market Index Adm	VBTLX	Intermediate-Term Bond	55	53	51	61	3.57%	2.18%	2.02%	3.95%	2.98%	-3.73%	73	65	0.59	0.60				
Western Asset Core Plus Bond IS	WAPSX	Intermediate-Term Bond	1	1	2	1	7.13%	4.36%	3.93%	6.00%	3.18%	-4.10%	—	—	1.25	1.15				
PIMCO High Yield Spectrum Instl	PHSIX	High Yield Bond	17	9	11	—	8.04%	6.58%	6.00%	—	5.04%	-7.87%	25	25	1.15	1.13				
Barclays Aggregate Bond/Index		Fixed Income					3.55%	2.25%	2.10%	4.01%	2.85%	-3.66%			0.86	0.65				
<b>Large Cap</b>																				
American Funds Washington Mutual R6	RWIMGX	Large Value	10	6	11	14	20.54%	11.13%	15.17%	8.33%	9.07%	-8.59%	—	—	1.09	1.58				
JPMorgan Equity Income R6	OIEJX	Large Value	29	23	17	6	17.84%	9.99%	14.87%	9.17%	9.21%	-8.22%	—	—	1.01	1.53				
PIMCO StocksPLUS® Absolute Return Instl	PSPTX	Large Blend	11	10	13	3	23.90%	11.64%	15.73%	10.57%	11.16%	-12.62%	53	62	0.94	1.35				
Vanguard 500 Index Admiral	VFIAX	Large Blend	29	15	13	21	21.79%	11.38%	15.75%	8.49%	9.49%	-8.37%	11	6	1.08	1.57				
American Funds Growth Fund of Amer R6	RGAGX	Large Growth	57	20	32	44	26.53%	13.32%	16.46%	8.63%	10.01%	-9.94%	—	—	1.20	1.55				
T. Rowe Price Blue Chip Growth I	TBCIX	Large Growth	5	4	5	10	36.71%	15.40%	18.91%	10.53%	11.68%	-10.81%	7	15	1.20	1.53				
S&P 500 (TR)		Large Cap					21.83%	11.41%	15.79%	8.50%	9.49%	-8.36%			1.09	1.57				
<b>Mid Cap</b>																				
Wells Fargo Special Mid Cap Value R6	WFPRX	Mid-Cap Value	71	31	11	5	11.27%	9.64%	15.51%	10.56%	10.12%	-11.53%	18	4	0.95	1.46				
JPMorgan Intrepid Mid Cap R6	WOOSX	Mid-Cap Blend	38	69	17	49	17.29%	7.44%	15.01%	8.50%	10.59%	-14.65%	—	—	0.71	1.35				
Vanguard Mid Cap Index Admiral	VIMAX	Mid-Cap Blend	17	43	17	39	19.25%	9.38%	15.01%	9.92%	10.41%	-12.98%	35	15	0.86	1.38				
Janus Henderson Enterprise N	JDMNX	Mid-Cap Growth	28	2	8	12	26.65%	13.74%	16.67%	9.85%	9.55%	-9.62%	—	—	1.29	1.64				
S&P 400 (TR)		Mid Cap					16.24%	11.14%	15.01%	9.97%	11.24%	-12.62%			0.98	1.28				
<b>Small Cap</b>																				
Wells Fargo Special Small Cap Value R6	ESPRX	Small Value	22	11	6	27	11.52%	11.44%	15.47%	9.49%	12.61%	-12.47%	—	—	0.89	1.19				
PIMCO StocksPLUS® Small Institutional	PSCSX	Small Blend	9	15	17	1	17.63%	11.13%	14.93%	13.03%	14.99%	-21.21%	41	55	0.73	0.99				
Vanguard Small Cap Index Adm	VSMAX	Small Blend	14	37	26	18	16.24%	9.84%	14.44%	9.68%	12.17%	-15.36%	25	8	0.80	1.15				
Janus Henderson Triton N	JGMNX	Small Growth	19	18	13	3	27.24%	12.62%	16.46%	11.65%	11.85%	-13.23%	10	4	0.99	1.33				
Russell 2000 Index (DRI)		Small Cap					14.65%	9.96%	14.12%	8.71%	13.91%	-16.76%			0.71	1.00				



# Proposed Fund Roster City of Harrisonville as of 12/31/2017

Fund Name	Ticker	Morningstar <sup>®</sup> Category	Category Peer Rankings			Returns Annualized			Trailing 5 Years		Risk-Adjusted Returns					
			1 Year	3 Year	5 Year	10 Year	1 Year	3 Year	5 Year	10 Year	Standard Deviation	Maximum Drawdown	Peer Ranking	Sharpe Ratio	3 Year	5 Year
<b>International / World</b>																
Vanguard Developed Markets Index Admiral	VTMGX	Foreign Large Blend	35	18	22	30	26.40%	8.93%	8.28%	2.34%	11.23%	-17.78%	24	31	0.79	0.74
American Funds Europacific Growth R6	RERGX	Foreign Large Growth	44	32	27	24	31.17%	9.66%	9.21%	3.90%	10.53%	-16.84%	10	9	0.87	0.87
American Funds New World R6	RNWGX	Diversified Emerging Mkts	59	31	9	11	33.06%	9.42%	6.95%	3.41%	10.70%	-19.90%	—	—	0.84	0.66
MSCI EAFE - Net - USD		International / World					26.03%	7.80%	7.90%	1.94%	11.67%	-18.02%			0.65	0.69
<b>Specialty</b>																
Vanguard REIT Index Admiral	VGSLX	Real Estate	57	46	26	26	4.94%	5.25%	9.24%	7.65%	13.70%	-13.39%	61	48	0.41	0.69
S&P 500 (TR)		Specialty					21.83%	11.41%	15.79%	8.50%	9.49%	-8.36%			1.09	1.57
<b>Asset Allocation Funds</b>																
T. Rowe Price Retirement   2010	TRPAX	Target-Date 2000-2010	12	—	—	—	11.82%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2015	TRFGX	Target-Date 2015	10	—	—	—	13.52%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2020	TRBRX	Target-Date 2020	1	—	—	—	15.90%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2025	TRPHX	Target-Date 2025	1	—	—	—	17.82%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2030	TRPCX	Target-Date 2030	3	—	—	—	19.52%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2035	TRPJX	Target-Date 2035	5	—	—	—	21.03%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2040	TRPDX	Target-Date 2040	6	—	—	—	22.11%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2045	TRPKX	Target-Date 2045	8	—	—	—	22.55%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2050	TRPMX	Target-Date 2050	10	—	—	—	22.55%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2055	TRPNX	Target-Date 2055	11	—	—	—	22.57%	—	—	—	—	—	—	—	—	—
T. Rowe Price Retirement   2060	TRPLX	Target-Date 2060+	15	—	—	—	22.53%	—	—	—	—	—	—	—	—	—
S&P 500 (TR)		Asset Allocation					21.83%	11.41%	16.79%	8.50%	9.49%	-8.36%			1.09	1.57

## G. FEE AND EXPENSE PROPOSALS

### 1. Outline any base or minimum fees, by plan as applicable.

There are no base or minimum fees charged to the plan.

### 2. Conversion Charges, if any

There are no conversion charges to the plan.

### 3. Clearly specify Fee Guarantee Term and Conditions.

The fees proposed by Security Benefit are guaranteed to remain unchanged through the term of the contract. However, Security Benefit is willing to have discussions with the plan sponsor regarding fees at such time that the plan sponsor feels assets in the plan dictate a change.

### 4. Clearly specify Termination or Surrender Fees, if any (Describe all terms, including those applicable to any stable value fund products the Firm offers).

The new institutional 457(b) retirement program proposed by Security Benefit does not have any surrender fees or contingent deferred sales charges.

Note: The current contract with Security Benefit has a rolling surrender charge based on a percentage of plan-level contributions. The current schedule is:

- 5% year 1 contributions
- 5% year 2 contributions
- 4% year 3 contributions
- 3% year 4 contributions
- 2% year 5 contributions
- 1% year 6 contributions
- 0% year 7+

Security Benefit's proposal is to transition the City of Harrisonville's existing contract to the new proposed institutional retirement program and have the surrender charge decline (wear away) over a five-year period.

### 5. Clearly specify Material Change Level (Participant Count) by Plan.

N/A

### 6. Provide an annual fee quote (to be assessed quarterly as a direct deduction to participant accounts) on a per-participant-with-a-balance basis to encompass all recordkeeping services.

Security Benefit charges 0.70% annually (70 basis points) based on plan assets and a \$30 annual per head fee to perform all recordkeeping services. Fees are deducted quarterly from participant accounts.

- 7. Respondent must discuss ALL trust/custody/accounting fees (as well as vendor to whom such fees, if different than Respondent are paid) that may apply to the relationship considering the current investment option line-up and potential changes. Specifically address the flexibility to add, remove, and replace investment options with fund and plan-specific NAVs (which may require unitization).**

All fees are included in our response to Item 6 above. Security Benefit's investment platform allows the flexibility to add, remove, and replace funds.

- 8. Respondent must clearly identify ALL additional and/or transactional fees that may apply for both in-scope as well as optional items. Respondent must clearly outline any/all assumptions and conditions relied upon, if any, in assembling its response and economic proposal.**

Security Benefit charges the following transaction-based fees to the participant:

- Withdrawal processing fee: \$25
- Loan fee: \$50 "one-time" setup fee and \$50 annual maintenance fee until loan is paid back

- 9. For a communications program consistent with that outlined in the Proposal, Respondent must put forward its estimate of an annual communications budget applicable to this relationship. Clearly define fees for Printing/Mailing Services, Enrollment / Education / Communication Meetings as well as budget items that are included vs. charged outside of the per-participant fee.**

RPA will provide all participant onsite enrollment and education. This includes group meetings and one-on-one individual meetings as outlined in the proposal.

RPA will act as the 3(38) investment advisor fiduciary to the plan. In this capacity, RPA will provide the plan with an Investment Policy Statement (IPS) and semi-annual investment monitoring due diligence reporting as outlined in the proposal.

RPA's all-inclusive fee is 0.65% (65 basis points) annually based on plan assets. Fees are deducted quarterly from participant accounts.

- 10. Fiduciary/Compliance and Reporting Fees**
- a. Plan Document Creation/Maintenance**
  - b. Compliance / Non-Discrimination Testing Offering**
  - c. Tax Reporting**
  - d. 5500 Preparation**
  - e. Administrative Manual**

## PERFORMANCE RESULTS

## Investment Performance Information - April 1, 2017 to June 30, 2017

The results shown represent past performance and do not represent expected future performance or experience. Past performance does not guarantee future results. Investment return and principal value of an investment will fluctuate so that an investor's units, when redeemed, may be worth more or less than their original cost. Current performance may be lower or higher than the data quoted. Performance data current to the most recent month-end may be obtained by visiting: WWW.NRSFORU.COM. Please consider the fund's investment objectives, risks, and charges and expenses carefully before investing. Both the underlying fund prospectuses and informational brochure contain this and other important information, and are available by calling (877)677-3678. Read carefully before investing. Please see other important disclosures at the end of this report.

VRU #	Fixed Investment Option	Annualized Current Quarter Yield	Current Year Guaranteed Minimum Yield							
365	Nationwide Fixed Account (g)	3.500%	3.500%							
VRU #	Variable Investment Options	Morningstar Category	YTD	Average Annual Return			Since Inception	Inception Date	Gross Expense Ratio	
				1 Year	5 Year	10 Year				
1507	Specialty CohenStrs RealEst Sec A (*) Small-Cap Stocks	Real Estate	4.22%	0.98%	11.34%	6.81%	9.67%	09/02/97	1.19%	
384	NW NVIT Mult Mgr Sm Co I (*)	Small Blend	4.10%	24.01%	13.72%	6.63%	10.57%	10/23/95	1.17%	
594	NW SMCAP INDX A (*)	Small Blend	4.66%	23.89%	13.23%	6.40%	8.07%	04/09/97	0.68%	
130	Brwn Cap Sm Co Inv (*)	Small Growth	17.78%	25.73%	17.77%	12.96%	12.34%	12/31/92	1.27%	
388	NeuBer Genesis Tr (*)	Small Growth	5.11%	17.42%	12.48%	7.96%	12.23%	09/27/88	1.10%	
937	NW Sm Co Gr Inst Svc (*)	Small Growth	16.96%	27.37%	17.41%	N/A	17.38%	01/03/12	1.21%	
798	NW US SmCap Val Inst Svc (*) International Stocks	Small Value	-0.93%	20.88%	13.48%	N/A	7.90%	12/21/07	1.26%	
9256	AmFds New Wid R4 (*)	Diversified Emerging Mkts	17.18%	19.12%	6.54%	3.29%	7.88%	06/17/99	1.01%	
612	NW INTL INDX A (*)	Foreign Large Blend	14.43%	19.26%	8.12%	0.55%	2.33%	12/29/99	0.71%	
881	Invsco Intl Gr R5 (*)	Foreign Large Growth	14.26%	14.45%	7.96%	2.86%	7.65%	03/15/02	0.99%	
408	Opp Gibl A (*) Mid-Cap Stocks	World Large Stock	19.91%	30.76%	13.28%	5.15%	11.43%	12/22/69	1.15%	
314	JPM MidCap Value A (*)	Mid-Cap Blend	6.06%	13.83%	13.99%	7.83%	12.39%	11/13/97	1.42%	
613	NW MDCAP MKT INDX A (*)	Mid-Cap Blend	5.59%	17.74%	14.17%	7.80%	8.92%	12/29/99	0.69%	
905	WF Disc Admn (*) Large-Cap Stocks	Mid-Cap Growth	15.47%	23.04%	12.83%	8.64%	11.51%	12/31/87	1.12%	
149	Drey App (*)	Large Blend	12.99%	16.59%	9.98%	5.83%	10.46%	01/18/84	0.92%	
281	AmFds Invmt Co Am A (*)	Large Blend	8.20%	15.74%	14.11%	6.40%	12.11%	01/02/34	0.59%	
367	NW Fd Inst Svc (*)	Large Blend	8.63%	18.26%	14.19%	5.51%	9.62%	05/11/33	0.78%	
372	NW S P 500 Indx Inst Svc (*)	Large Blend	9.09%	17.42%	14.16%	6.72%	5.57%	07/24/98	0.42%	
509	SEI S P 500 Indx E (*)	Large Blend	9.21%	17.61%	14.38%	6.96%	10.48%	07/31/85	0.32%	
181	Fid Contra (*)	Large Growth	16.78%	22.19%	14.64%	8.63%	12.39%	05/17/67	0.68%	
195	Fid OTC (*)	Large Growth	23.52%	36.46%	20.25%	12.29%	13.62%	12/31/84	0.91%	
392	NeuBer Soc Resp Inv (*)	Large Growth	9.45%	18.92%	14.46%	6.58%	9.29%	03/16/94	0.86%	
520	TRowePr Gr Stk Adv (*)	Large Growth	19.37%	28.62%	16.11%	8.69%	10.85%	04/11/50	0.92%	
539	AmCent Gr Inv (*)	Large Growth	15.61%	21.19%	13.36%	8.37%	13.30%	06/30/71	0.98%	
938	NW Gr Inst Svc (*)	Large Growth	11.79%	17.40%	13.07%	7.87%	7.48%	02/14/61	1.09%	
102	AmCent Val Inv (*)	Large Value	1.28%	12.84%	13.00%	5.79%	9.81%	09/01/93	0.98%	
164	Edgr Lomx Val (*)	Large Value	5.10%	12.38%	12.47%	5.66%	6.46%	12/12/97	1.02%	
586	Invsco Gr Inc A (*)	Large Value	4.60%	24.46%	13.79%	6.17%	9.57%	08/01/46	0.83%	
746	NW LgCap Gr (n) (*) Balanced	N/A	13.86%	18.00%	13.42%	6.81%	6.94%	04/27/07	0.95%	
199	Fid Puritan (*) Bonds	Allocation—50% to 70% Equity	8.69%	12.93%	10.27%	6.17%	10.93%	04/16/47	0.56%	
642	W&R Advisor High Income Y (*)	High Yield Bond	5.01%	13.98%	7.14%	7.72%	7.02%	01/04/96	0.76%	
125	AmFds Bd Fd Am A (*)	Intermediate-Term Bond	2.50%	0.24%	2.27%	3.12%	7.63%	05/28/74	0.61%	
428	PIMCO Ttl Rtn A (*)	Intermediate-Term Bond	3.26%	1.75%	2.36%	5.51%	6.90%	05/11/87	0.86%	
611	NW BD INDX A (*)	Intermediate-Term Bond	1.98%	-0.99%	1.56%	3.79%	4.76%	04/03/97	0.66%	
426	PIMCO Forgn BdUS Dir Hdg A (*) Fixed Assets/Cash	World Bond	0.91%	1.58%	5.04%	6.33%	6.89%	12/02/92	0.91%	
373	NW Mny Mkt Prm (c) (*) CURRENT YIELD: 0.39%	Money Market-Taxable	0.07%	0.07%	0.01%	0.45%	4.47%	03/03/80	0.89%	
354	Mrly StblValRtrmt NACODCVA (d) (*)	N/A	0.60%	1.20%	0.91%	1.71%	4.23%	07/31/89		

Attachment: Nationwide Fund Options &amp; Pricing (457 Provider)

## PERFORMANCE RESULTS

## Investment Performance Information - April 1, 2017 to June 30, 2017

VRU #	Variable Investment Options Asset Allocation	Morningstar Category	Average Annual Return				Since Inception	Inception Date	Gross Expense Ratio
			YTD	1 Year	5 Year	10 Year			
620	<b>NW Inv Dest Cnsv Svc (j) (*)</b>	Allocation--15% to 30% Equity	2.71%	3.62%	3.37%	3.28%	3.59%	03/30/00	0.87%
621	<b>NW Inv Dest Mod Cnsv Svc (j) (*)</b>	Allocation--30% to 50% Equity	4.40%	7.13%	5.41%	3.98%	4.11%	03/30/00	0.88%
622	<b>NW Inv Dest Mod Svc (j) (*)</b>	Allocation--50% to 70% Equity	6.18%	10.96%	7.39%	4.30%	4.30%	03/30/00	0.91%
623	<b>NW Inv Dest Mod Aggr Svc (j) (*)</b>	Allocation--70% to 85% Equity	8.13%	14.95%	9.48%	4.53%	4.44%	03/30/00	0.94%
624	<b>NW Inv Dest Aggr Svc (j) (*)</b>	Allocation--85%+ Equity	9.16%	17.38%	10.87%	4.49%	4.32%	03/30/00	0.92%
794	<b>NW Dest 2015 Inst Svc (l) (*)</b>	Target-Date 2015	5.56%	9.00%	6.46%	N/A	3.84%	08/29/07	0.64%
793	<b>NW Dest 2020 Inst Svc (l) (*)</b>	Target-Date 2020	6.10%	10.24%	7.29%	N/A	4.24%	08/29/07	0.64%
792	<b>NW Dest 2025 Inst Svc (l) (*)</b>	Target-Date 2025	6.85%	12.21%	8.43%	N/A	4.70%	08/29/07	0.64%
791	<b>NW Dest 2030 Inst Svc (l) (*)</b>	Target-Date 2030	7.14%	13.64%	9.34%	N/A	4.91%	08/29/07	0.65%
790	<b>NW Dest 2035 Inst Svc (l) (*)</b>	Target-Date 2035	7.63%	14.76%	10.03%	N/A	5.04%	08/29/07	0.65%
789	<b>NW Dest 2040 Inst Svc (l) (*)</b>	Target-Date 2040	8.07%	15.62%	10.50%	N/A	4.94%	08/29/07	0.64%
788	<b>NW Dest 2045 Inst Svc (l) (*)</b>	Target-Date 2045	8.36%	16.80%	10.84%	N/A	5.05%	08/29/07	0.64%
787	<b>NW Dest 2050 Inst Svc (l) (*)</b>	Target-Date 2050	8.48%	17.05%	10.92%	N/A	5.14%	08/29/07	0.64%
910	<b>NW Dest 2055 Inst Svc (l) (*)</b>	Target-Date 2055	8.68%	17.36%	10.97%	N/A	8.66%	12/27/10	0.64%

## FEE DISCLOSURES

The Standardized illustration represents performance based on a \$1,000 hypothetical investment, and reflects the deduction of the following fees:

\* denotes a Fee of 0.00%

The participant account maintenance charge, up to a maximum of \$50, will not be assessed unless agreed to by the entity. Options in bold are options in a group variable annuity contract. Fees indicated for those options are Variable Account Expense Fees and are in addition to the fees disclosed in the underlying fund prospectus.

Gross expense ratios represent the fund's total operating expenses expressed as a percentage of the assets held in the fund. For more information about gross expense ratios, read the fund's prospectus.

Some mutual funds may impose a short term trade fee. Some funds may be subject to a trade restriction policy. Please read the underlying prospectus carefully.

## FOOTNOTES

c) The money market current yield is the annualized historical yield for the 7-day period ending on the last day of the calendar quarter. Yield quotation more closely reflects the current earnings of the money market fund than the total return quotation.

d) This fund may not be available in all plans. This option is offered outside the group variable annuity contract. The funds initial investments will be in units of Morley Financial's Stable Value Fund. Return history pertains to the Stable Value Fund managed by the same fund manager since inception in December 1993.

g) Interest rates are declared quarterly and are subject to change. Guarantees are subject to the claims-paying ability of the company. The unregistered fixed annuity is issued by Nationwide Life Insurance Company, Columbus, Ohio.

j) Nationwide Investor Destinations Funds are designed to provide diversification and asset allocation. They do this by investing in several types of investments and asset classes. So, in addition to the expenses of the Investor Destinations Fund, you pay a proportionate share of the expenses of the underlying funds.

l) The Target Destination Funds invest in a wide variety of underlying funds to help reduce investment risk. So in addition to the expenses of the Target Destination Funds, you pay a proportionate share of the expenses of the underlying funds. Like other funds, Target Destination Funds are subject to market risk and loss. Loss of principal can occur at any time, including before, at or after the target date. There is no guarantee that target date funds will provide enough income for retirement.

n) The Nationwide Large Cap Growth Portfolio is not a mutual fund. Its performance cannot be tracked in newspapers or through other public resources. You can find more information and track the Portfolio's performance via your plan's website, [www.nrsforu.com](http://www.nrsforu.com).

## RISK DISCLOSURES

**Money market funds:** Money market funds are not insured or guaranteed by the FDIC or any other government agency. Although the goal of a money market is to preserve the value of an investment at \$1 per share, it is still possible to lose money.

**International/emerging markets funds:** Funds that invest in international stocks face risks that funds investing only in U.S. stocks do not. Currency fluctuation, political risk, differences in accounting standards and the limited availability of information may make these funds less stable.

**Small company funds:** Small and emerging companies may have less liquidity than larger, established companies. Therefore, funds investing in stocks of small or emerging companies may face greater price volatility and risk.

**High-yield bond funds:** Funds that invest in high-yield securities may have more credit risk and changes in price than funds that invest in higher-quality securities.

**Non-diversified funds:** Funds that invest in a single industry or small number of securities may be more volatile than those that invest more broadly.

**Government bond funds:** These funds invest mainly in securities of the U.S. government and its agencies; however, these entities do not guarantee the value of the funds.

**Real estate funds:** Funds that invest mainly in real estate are sensitive to economic and business cycles, changing demographic patterns and government actions.



City of  
**Harrisonville**<sup>est. 1836</sup>  
STAFF REPORT

**TO:** Finance/Personnel Committee  
**FROM:** Happy Welch, City Administrator  
**DATE:** April 30, 2018  
**SUBJECT:** Gas Card

**Type of Item:** *Approval*

**Background:**

The city currently buys all gasoline from MFA at their location on Locust. The facility is accessible but it is the only brand of fuel we have a credit account with.

**Issue:**

When traveling out of Harrisonville, MFA stations can be difficult to locate and staff has to go out of their way or use their credit card to get gas at a convenient location. Also, in case of a problem with the MFA equipment or if there would be a disaster it would be nice to have access to other gas stations/convenience stores to acquire gas.

Also, employees still have to hand write vehicle mileage on the receipts because the MFA system doesn't keep track of that.

**Recommendation:**

The state bid through the Missouri Office of Administration selected WEX (formerly known as Wright Express) as the fleet card for Missouri. Many gas stations/convenience stores are listed with accessible locations here and around the state. With the state bid there's usually no setup or monthly fees charged to new accounts, online billing information, and lots of locations where it is accepted.

In addition, this card requires mileage so you can track a vehicle to see how the gas mileage is doing and possibly catch a problem.

**Cost:**

There is no cost associated with this service.

**3. Action Item (ID # 2868)**

Gas Card

Attachments:

WEX Fuel Card Harrisonville (PDF)

State of Missouri Fleet Card \_ WEX Inc (PDF)

**Previous Criteria** ([New Search](#))

Site Type: Fuel  
 Brand:  
 Site Name:  
 City: HARRISONVILLE  
 State: MO  
 Zip: 64701

Displaying suppliers 1 through 23 of 23 suppliers.

Site Name	Phone	Address	Brand Name	Site Type
1. BP 9693623	(816) 884-2944	21406 E 275TH ST HARRISONVILLE, MO 64701 - 0000	BP	Fuel
2. CASEYS GEN STORE 162	(816) 887-9118	1801 N COMMERCIAL ST HARRISONVILLE, MO 64701 - 0000	UNBRANDED	Fuel
3. CASEYS GEN STORE 196	(816) 887-9939	2204 E MECHANIC ST HARRISONVILLE, MO 64701 - 0000	UNBRANDED	Fuel
4. CASEYS GNRL STRE 13	(816) 887-9925	2204 E SOUTH ST HARRISONVILLE, MO 64701 - 0000	CASEYS	Fuel
5. CASEYS GNRL STRE 16	(816) 887-9118	1801 N COMMERCIAL ST HARRISONVILLE, MO 64701 - 0000	CASEYS	Fuel
6. CASEYS HARRISONVILLE	(00) -	1901 W MECHANIC ST HARRISONVILLE, MO 64701 - 0000	UNBRANDED	Fuel
7. CITY OF HARRISONVILL	(816) 380-5039	27503 RT 7 S HARRISONVILLE, MO 64701	PHILL 66	Fuel
8. CITY OF HARRISONVILL	(00) -	27503 SR 71 SOUTH HARRISONVILLE, MO 64701 - 6470	AVCARD	Fuel
9. EVERYDAY 1801	(816) 925-0938	1801 SOUTH COMMERCIA HARRISONVILLE, MO 64701	CONOCO	Fuel
10. HARRISONVILLE	(816) 884-3052	504 S COMMERCIAL ST HARRISONVILLE, MO 64701	PHILL 66	Fuel
11. HARRSV FIREWRKS	(816) 884-6112	21501 E 275TH ST HARRISONVILLE, MO 64701	PHILL 66	Fuel
12. JASSI SUPER MART	(816) 884-2944	21406 E 275 ST HARRISONVILLE, MO 64701	UNBRANDED	Fuel
13. LOVES 616-DIESEL	(816) 887-2050	2611 BROOKHART RD HARRISONVILLE, MO 64701	LOVES	Fuel
14. MFA 910310	(816) 884-4470	305 LOCUST ST HARRISONVILLE, MO 64701	MFA OIL	Fuel
15. MURPHY 5782 ATWALMRT	(870) 881-6817	1720 N 291 HWY HARRISONVILLE, MO 64701	MURPHY USA	Fuel
16. NILKANTA RAM 66	(816) 380-3461	1901 E MECHANIC HARRISONVILLE, MO 64701 - 2046	PHILL 66	Fuel
17. QUICK BREAK 4	(785) 448-4296	2101 S COMMERCIAL HARRISONVILLE, MO 64701	PHILL 66	Fuel
18. SAPP BROS TRAVEL	(308) 284-3329	27603 SW OUTER RD HARRISONVILLE, MO 64701	UNBRANDED	Fuel
19. SENTIS GROUP INC	(816) 380-3630	1408 NORTH 291 HIGHW HARRISONVILLE, MO 64701	SHELL	Fuel
20. SHELL SERVICE STATIO	(913) 424-8742	12705 E 275 ST HARRISONVILLE, MO 64701	SHELL	Fuel
21. UNITED PETROLEUM	(00) -	1601 N HWY 291 HARRISONVILLE, MO 64701	SINCLAIR	Fuel
22. WOOD OIL #30	(615) 887-2242	150 COMMERCIAL HARRISONVILLE, MO 64701	UNBRANDED	Fuel
23. WOOD OIL CO #30	(913) 727-1163	150 COMMERCIAL HARRISONVILLE, MO 64701	UNBRANDED	Fuel

Attachment: WEX Fuel Card Harrisonville (Gas Card)



(https://www.wexinc.com)

3.3.b

Log In (/wex-log-in/)



WEX (HTTP://WWW.WEXINC.COM) » FLEET (HTTPS://WWW.WEXINC.COM/FLEET/) » GOVERNMENT (HTTPS://WWW.WEXINC.COM/FLEET/GOVERNMENT-FLEETS/) » STATES (HTTPS://WWW.WEXINC.COM/FLEET/GOVERNMENT-FLEETS/STATES/) » MISSOURI

## Save up to 15%\* with the State of Missouri Fleet Card



[Apply Now \(http://www.wexinc.com/wp-content/uploads/2015/08/wex-missouri-fuel-card-agreement-addendum.pdf\)](http://www.wexinc.com/wp-content/uploads/2015/08/wex-missouri-fuel-card-agreement-addendum.pdf)

[Program Summary \(http://www.wexinc.com/wp-content/uploads/2015/08/wex-missouri-government-fleet-card.pdf\)](http://www.wexinc.com/wp-content/uploads/2015/08/wex-missouri-government-fleet-card.pdf)

With the State of Missouri WEX Fleet Card Program, you get the tools you need to manage your fleet and meet your unique state, county and municipal needs. Manage, track, control and save with these great benefits:

- **Broader Acceptance** – accepted at over 90% of US retail fuel locations
- **Valuable rebates** – available on fuel transactions
- **Special Pricing** – no setup or monthly card fees usually charged to new accounts
- **Real-Time Online Account Access** – to control, manage and track fleet purchases
- **Tax Exemption and Reporting** – for qualified fleets to significantly reduce accounting and administrative time
- **24/7 Customer Service** – a knowledgeable representative is always available to help you and your drivers
- **WEXPay™** – gives you access to out-of-network fuel and service providers, reducing the number of sites where drivers would have to use an alternative form of payment
- **Roadside Assistance** – keeps your drivers covered while they are on the road, available 24 hours a day
- **Fuel Site Mapping Mobile Application** – helps drivers locate the lowest price fuel stations based on their current location

**Contact us:** WEX Inc.  
Government Account Manager  
government@wexinc.com (mailto:)  
Phone: 1-866-527-8870  
Fax: 1-866-527-8873

\* Actual savings may vary

**DON'T JUST TAKE OUR WORD.**

[TESTIMONIALS \(/FLEET/GOVERNMENT-FLEETS/LEARN-MORE/\)](/fleet/government-fleets/learn-more/)

Attachment: State of Missouri Fleet Card \_ WEX Inc (Gas Card)

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**TO:** Finance/Personnel Committee  
**FROM:** Happy Welch, City Administrator  
**DATE:** April 30, 2018  
**SUBJECT:** College Agreements

**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.

**4. Action Item (ID # 2869)**

College Agreements

Attachments:

Mid-American Nazarene Proposed MOU (PDF)



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 (including city, fire, and police) 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 September 29, 2017 through December 31, 2018. 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 Science in Management
  - 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

\_\_\_\_\_  
**Randy Jones** **Date**  
 City Clerk  
 The City of Harrisonville, Missouri

\_\_\_\_\_  
**Mark Ford** **Date**  
 Vice Provost and 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.harisonville.mo.us

Attachment: Mid-American Nazarene Proposed MOU (College Agreements)