

AMENDED – THE ADDITION OF RESOLUTION R-3008-17

TENTATIVE AGENDA

RAYTOWN BOARD OF ALDERMEN

AUGUST 1, 2017

REGULAR SESSION No. 8

RAYTOWN CITY HALL

10000 EAST 59TH STREET

RAYTOWN, MISSOURI 64133

OPENING SESSION

7:00 P.M.

Invocation
Pledge of Allegiance
Roll Call

Public Comments

Communication from the Mayor

Communication from the City Administrator

Committee Reports

LEGISLATIVE SESSION

1. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular July18, 2017 Board of Aldermen meeting minutes.

REGULAR AGENDA

NEW BUSINESS

2. **R-3004-17: A RESOLUTION** AMENDING THE FISCAL YEAR 2016-2017 BUDGET RELATED TO CITY-WIDE CLEANUP. Point of Contact: Tom Cole, City Administrator.
3. **R-3005-17: A RESOLUTION** REPEALING AND REPLACING RESOLUTION R-2985-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 1–IN GENERAL. Point of Contact: Tom Cole, City Administrator.
4. **R-3006-17: A RESOLUTION** REPEALING AND REPLACING RESOLUTION R-2987-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 3–COMPENSATION AND CLASSIFICATION PLAN PREVIOUSLY CATEGORIZED PROVISIONS APPLICABLE TO UNCLASSIFIED EMPLOYEES. Point of Contact: Tom Cole, City Administrator

5. **R-3007-17: A RESOLUTION** REPEALING AND REPLACING RESOLUTION R-2988-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 4–EMPLOYMENT AND BENEFITS PREVIOUSLY CATEGORIZED PROVISIONS APPLICABLE TO CLASSIFIED EMPLOYEES. Point of Contact: Tom Cole, City Administrator
6. **Amended R-2989-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 5-VIOLENCE IN THE WORKPLACE. Point of Contact: Tom Cole, City Administrator
7. **Amended R-2990-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 6-SUBSTANCE ABUSE. Point of Contact: Tom Cole, City Administrator
8. ~~**R-2991-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 7-SUBSTANCE ABUSE. Point of Contact: Tom Cole, City Administrator~~
- ★ Due to reorganization of the Personnel Manual this Resolution is no longer needed.
9. **Amended R-2992-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE ON-CALL POLICY. Point of Contact: Tom Cole, City Administrator
10. **Amended R-2993-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO AN ON-CALL POLICY-POLICE DEPARTMENT. Point of Contact: Tom Cole, City Administrator
11. **Amended R-2994-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TAKE HOME CITY OWNED VEHICLES POLICY. Point of Contact: Tom Cole, City Administrator
12. **Amended R-2995-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO THE TIME CLOCK POLICY. Point of Contact: Tom Cole, City Administrator
13. **Amended R-2996-17: AN AMENDED RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TUITION REIMBURSEMENT POLICY. Point of Contact: Tom Cole, City Administrator
14. **R-3008-17: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH CDW FOR THE PURCHASE OF COMPUTER EQUIPMENT IN THE AMOUNT OF \$11,087.64 AND AMEND THE FISCAL YEAR 2016-2017 BUDGET FOR A TOTAL AMOUNT NOT TO EXCEED \$25,106.00. Point of Contact: Jim Lynch, Police Chief

ADJOURNMENT

DRAFT
TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
JULY 18, 2017
REGULAR SESSION NO. 7
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133

OPENING SESSION
7:00 P.M.

Mayor Michael McDonough called the July 18, 2017 Board of Aldermen meeting to order at 7:01 p.m. Rex Block of the Raytown Community Interfaith Alliance provided the invocation and led the pledge of allegiance.

Roll Call

Roll was called by Teresa Henry, City Clerk, and the attendance was as follows:

Present: Alderman Steve Meyers, Alderman Bonnaye Mims, Alderman Frank Hunt, Alderman Eric Teeman, Alderman Mark Moore, Alderman Jason Greene, Alderman Bill Van Buskirk, Alderman Karen Black, Alderman Ryan Myers

Absent: Alderman Jim Aziere

Public Comments

John Ivey, of 2525 Main Street, KC, MO, treasurer of Citizens for Progress, spoke regarding the Rock Island Corridor project and an item that will be on an upcoming Kansas City public ballot.

Communication from the Mayor

July 15, many people attended the first annual Steve Mock Memorial Golf Tournament at Teetering Rocks Golf Course. Proceeds went to REAP.

July 19, the Mayor will present a proclamation to Vicki Lawrence and *Mama's Family* on the Fox 4 morning show.

July 21, marks the 20th year of the Raytown Arts Council, and the opening night for their current production, *Chitty Chitty Bang Bang*. Thank you to Alyse Stoll and the rest of the Council for its work to bring the Arts to the City of Raytown.

Communication from the City Administrator

The Personnel Policy remains under review and is not ready for Board action, but because it was last tabled to a date certain of tonight's meeting, it is on the current agenda to be tabled to a date certain of August 1, 2017. A mid-year budget review has been recently completed. Bids for the design and printing of the City's quarterly Newsletter are underway. Public Works and Finance are working to create an RBA for funding of the 59th street sidewalk project. An RFQ for the City's legal services is being drafted.

Committee Reports

Alderman Teeman announced that the Arts and Music Festival will be held August 26. July 21, *Sing* (2016) will be shown for Free Movie in the Park.

Alderman Van Buskirk is coordinating the date for the next Legislative Committee meeting to discuss what should be brought before the State legislature. Other Aldermen and the public are asked to bring potential items to the Committee's attention.

Alderman Meyers thanked the Parks and Recreation department for its successful efforts to beautify the City this Spring.

LEGISLATIVE SESSION

1. **CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular July 11, 2017 Board of Aldermen meeting minutes.

Alderman Black, seconded by Alderman Hunt, made a motion to adopt. The motion was approved by a vote of 8-0-1-1.

Ayes: Aldermen Black, Hunt, Greene, Myers, Moore, Meyers, Van Buskirk, Mims

Nays: None

Abstain: Alderman Teeman

Absent: Alderman Aziere

REGULAR AGENDA

NEW BUSINESS

2. Public Hearing: A public hearing to consider an Conditional Used Permit for property located at 10000 E. and 10019 West US 350 Highway.

2a. **FIRST READING: Bill No. 6446-17, Section XIII. AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW ADVERTISING SIGNS TO BE PLACED AT 10000 EAST US 350 HIGHWAY AND 10019 WEST US 350 HIGHWAY LOCATED IN THE HIGHWAY CORRIDOR COMMERCIAL (HC) DISTRICT.** Point of Contact: Ray Haydaripoor, Community Development Director.

The bill was read by title only by Teresa Henry, City Clerk.

Ray Haydaripoor, Community Development Director, explained that the monument signs will be used on the properties to consolidate signage and then remained available for any discussion.

Discussion included that the Planning & Zoning Committee voted unanimously in support of this conditional use policy. The Bill has two conditions, one of which is included in its current draft and a second condition that was planned to be added for its second reading on August 1. The first condition is that the business shall comply with all applicable local, State and Federal laws and regulations. The second condition is that no other monument signs be constructed in the application area as outlined in the staff report.

Alderman Meyers, seconded by Alderman Myers, made a motion to suspend the rules and hold an immediate second reading. The motion was approved by a vote of 7-2-1.

Ayers: Aldermen Meyers, Myers, Moore, Hunt, Mims, Black, Greene

Nays: Aldermen Teeman, Van Buskirk

Absent: Alderman Aziere

Teresa Henry, City Clerk, read the Bill by title only for a second time.

Ray Haydaripoor, Community Development Director, remained available for any discussion.

Alderman Greene, seconded by Alderman Moore, proposed an amendment to Section 2 of the Bill to include the second condition that no other monument signs be constructed in the application area as outlined in the staff report. The motion was approved by a vote of 9-0-1.

Ayers: Aldermen Greene, Moore, Meyers, Van Buskirk, Myers, Mims, Hunt, Black, Teeman
Nays: None
Absent: Alderman Aziere

Teresa Henry, City Clerk, read the Bill by title only for a final time.

Discussion included the applicant, Greg Waldo of Freddy's Frozen Custard, stating that the monument signs are being put up in coordination with IHOP to mutually advertise each other's businesses on their respective monument signs.

Alderman Black, seconded by Alderman Van Buskirk, made a motion to adopt. The motion was approved by a vote of 9-0-1.

Ayes: Alderman Black, Van Buskirk, Hunt, Teeman, Mims, Greene, Moore, Meyers, Myers
Nays: None
Absent: Alderman Aziere

Bill Became Ordinance 5578-17

Alderman Van Buskirk, seconded by Alderman Mims, made a motion to table R-2989-17 – R-2996-17 to a date certain of August 1, 2017. The motion was approved by a vote of 9-0-1-1.

Ayes: Aldermen Van Buskirk, Mims, Greene, Hunt, Meyers, Black, Moore, Myers
Nays: None
Abstain: Alderman Teeman
Absent: Alderman Aziere

3. **R-2989-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 5-COMPENSATION AND CLASSIFICATION PLAN. Point of Contact: Tom Cole, City Administrator
4. **R-2990-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 6-VIOLENCE IN THE WORKPLACE. Point of Contact: Tom Cole, City Administrator
5. **R-2991-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO SECTION 7-SUBSTANCE ABUSE. Point of Contact: Tom Cole, City Administrator
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7. **R-2993-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO AN ON CALL POLICY-POLICE DEPARTMENT. Point of Contact: Tom Cole, City Administrator
8. **R-2994-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TAKE HOME CITY OWNED VEHICLES POLICY. Point of Contact: Tom Cole, City Administrator

9. **R-2995-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED ON DECEMBER 20, 2016 RELATING TO THE TIME CLOCK POLICY. Point of Contact: Tom Cole, City Administrator
10. **R-2996-17: A RESOLUTION** AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TUITION REIMBURSEMENT POLICY. Point of Contact: Tom Cole, City Administrator

CLOSED SESSION

Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:

- 610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

Alderman Mims, seconded by Alderman Moore, made a motion to move to a closed session. The motion was approved by a majority of those present.

ADJOURNMENT

The meeting adjourned at 8:04 p.m.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: July 27, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Resolution No.: R-3004-17

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____



Action Requested: A budget transfer in the amount of \$10,000.00 from the Governing Body budget line-item "Outside Agency Requests" to the Governing Body line-item "City-Wide Clean Up." The transfer of funds will allow for a 30-day enhancement of the clean-up coupon program allowing citizens to purchase \$40.00 of clean-up services for \$5.00 in lieu of the standard \$20.00 of service for \$5.00

Recommendation: Approve the budget adjustment

Analysis: In light of the recent storms and the commitment of the Board of Aldermen to assist our residents in removing trash and unwanted items from their homes, the budget transfer will allow citizens to purchase clean-up coupons at a higher value, thus encouraging additional clean-up efforts.

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Amount Requested: \$10,000.00
Account: 101.11.00.100.51750

Amount Requested: \$10,000.00
Account: 101.11.00.100.51500

A RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 BUDGET RELATED TO CITY-WIDE CLEANUP

WHEREAS, pursuant to Resolution R-2909-16, the Fiscal Year 2016-2017 Budget was approved; and

WHEREAS, it is necessary to reappropriate funds and amend the Fiscal Year 2016-2017 Budget approved by Resolution R-2909-16; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to reappropriate the funds and amend the Fiscal Year 2016-2017 Budget;

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

THAT the Fiscal Year 2016-2017 budget approved by Resolution R-2909-16 is hereby amended as follows:

FROM:	TO:
101.11.00.100.51750	101.11.00.100.51500
\$10,000.00	\$10,000.00
Outside Agency Requests	City-Wide Clean up

FURTHER THAT the City Administrator is hereby authorized to execute all documents necessary to this transaction and the City Clerk is authorized to attest thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney



CITY CLERK'S OFFICE

10000 EAST 59TH STREET

RAYTOWN, MISSOURI 64133-3993

PHONE: 816-737-6004 - FAX: 816-737-6097

E-MAIL: THENRY@RAYTOWN.MO.US

Date: July 28, 2017
To: Mayor
Board of Aldermen
From: Teresa M. Henry, City Clerk
Re: Legal Review of Personnel Manual

On June 20, 2017 amendments to the Personnel Manual, which was approved on December 20, 2016 came before you for consideration. After going through several amendments, the Board requested the remaining items on that evening's agenda regarding the Personnel Manual be tabled to a date certain and requested a legal review of all items regarding the Personnel Manual.

On July 19, Matt Gist of Ensz & Jester completed the legal review of the document which is attached. Regarding Take Home On-Call Vehicles, City-Owned Vehicle Usage, On-Call Policies and the Time Clock policy Mr. Gist had some concerns as these topics are very complicated and recommended the City consider hiring a tax attorney to review for any implications with the IRS. It was Mr. Gist's opinion that there was very little doubt that a take home vehicle is "income" according to the IRS and his primary concern is the tax implications. From a general liability standpoint, there is insurance coverage for the vehicles regardless of whether an accident occurs while the employee is on his or her own time. He also stated that an employee having access to a City owned car 24/7 would provide more time and opportunity for an accident to occur, but there is no concern over coverage. He did not see the take home cars exposing the City to additional or uncovered liability. Mr. Gist stated that after getting the necessary tax advice, he thought the City's decision on take home cars really ends up just being a policy decision.

Mr. Gist referred us to two tax attorneys; Blackwood, Langworthy & Tyson and Bryan Cave. We contacted Paul Tyson, Jr. of Blackwood Langworthy & Tyson, P.C. Mr. Tyson stated that there is a significant difference between public and private tax and it would be in the best interest of the City to contact the City's Audit firm regarding the tax implications with City-Owned Vehicles and Take-Home City Vehicles in addition to the Time Clock policy and On-Call Policies.

Since the City had retained the services of Mize Houser & Company, P.C. last year we reached out to our representative, Audrey Odermann, CPA and sent policies to her for review. Ms. Odermann's response is attached to this memo.

Attachments:

Ensz & Jester Personnel Manual Legal Review
Mize Houser & Company, P.C. Policy Review
Personnel Manual Changes Legend

Personnel Manual Changes Legend

Removed by Attorney after Legal Review – ~~double strike through~~

Added by Attorney after legal Review – ***bold Italics underlined***

Proposed Amendment by Committee and Approved by Attorney – ***bold Italics***

Proposed Amendment by Committee and Remove by Attorney – ~~strike though~~



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PERSONNEL MANUAL

JULY 18, 2017

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INTRODUCTION

This Personnel Manual is designed to provide you with information about working conditions, expectations, benefits, and some of the policies affecting your employment with the City of Raytown (hereinafter "City"). You should read, understand, and comply with all the provisions of the Manual. It describes many of your responsibilities as a member of our team, and outlines the programs developed by the City to benefit you and your fellow employees.

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No employee Manual can anticipate every circumstance or answer every question about policy. As time progresses, it will undoubtedly prove necessary to revise this Manual. Accordingly, the City reserves the right to revise, supplement, amend or rescind any policies or programs contained in this Manual from time to time as it deems appropriate, in its sole and absolute discretion. You will, of course, be notified of any such changes to the Manual as soon as reasonably practicable. The provisions contained in this Manual supersede any and all contrary verbal or written policies, statements, including previous Manuals or representations made by the City.

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This Manual does not constitute a guarantee of any future policies, procedures or terms of employment.

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This Manual is not intended to and does not constitute an employment contract between the City and any of its employees. No individual City official has authority to enter into an oral or written promise or contract of employment. Any employment contract must be approved by the Board of Aldermen (hereinafter "Board"). The terms and provisions of this Manual are subject to change from time to time, with or without notice, at the Board's sole discretion and pursuant to the Board's views regarding the needs of the City with respect to effective administration, supervision and control of facilities, operations, programs and personnel.

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Should you have any questions concerning any of the information contained in this Manual, please contact the Human Resources Manager or the City Administrator.

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Organization of the City

The City of Raytown is a city of the Fourth Class, located in Jackson County, Missouri, and is part of the Kansas City Metropolitan Area.

The City is governed by a Mayor and a ten-member Board of Aldermen. The day-to-day operation of the City is coordinated by a City Administrator, who is hired by, and reports to, the Board of Aldermen.

The City consists of several departments, each overseen by a department head. These departments are:

1. Administration
2. Community Development
3. Emergency Medical Services
4. Finance
5. Municipal Court
6. Parks and Recreation
7. Police
8. Public Works

The City Marshal (Police Chief), City Collector, and the Municipal Judge are elected positions. The Parks Director is appointed by the Park Board. The City Administrator recommends appointment and removal of the remaining Department Heads to the Governing Body.

The Mayor, City Collector and five Aldermen (one from each of the five wards in the City) are elected to four-year terms during one election cycle. Two years later, the other five aldermen, the Police Chief and the Municipal Judge are elected to four-year terms of office.

Chain of Command / Lines of Authority

Because the situation within every Department of the City is different, the organization of personnel within those Departments also differs.

Questions an employee has regarding their responsibilities or duties should be directed to their supervisor.

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1. Unity of Command—each person should only have one person to whom they are directly responsible.¶
2. Span of Control—each manager / supervisor should only have the number of¶
subordinates they can effectively supervise. This number is dependent upon several factors including complexity of work being performed, experience level of the subordinate, geographic proximity of the subordinate to the supervisor, and the similarity of the tasks being performed by the subordinates.¶
3. Parity of Authority and Responsibility—if a subordinate is assigned certain responsibility, he must be given some level of authority i.e. power to perform his responsibility. Both should be clearly defined to the subordinate, so that he knows what he is required to do within the powers delegated to him.¶

I. IN GENERAL

1-1. Equal Opportunity Statement.

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other protected characteristic as established by law. This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The City has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Manager or the City Administrator.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

1-2. Non-Discrimination and Anti-Harassment Policy.

The City is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other status protected under federal, state or local law. The City prohibits and will not tolerate any such discrimination or harassment.

A. Sexual Harassment.

Sexual harassment constitutes discrimination and is illegal under various laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or ~~non-verbal~~ conduct of a sexual nature. Sex-based harassment—that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males)—may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

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B. Other Prohibited Harassment.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

C. Individuals and Conduct Covered.

These policies apply to all applicants and employees, and they prohibit harassment, discrimination and retaliation, whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

D. Retaliation Is Prohibited.

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including discharge.

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E. Complaint Procedure.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, applicable laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with an appropriate management official, supervisor, a department head, the Human Resources Manager or the City Administrator before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resources Manager or the City Administrator if the complaint is regarding their immediate supervisor.

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Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting

of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of the complaining employee.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent possible.

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the Employer believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Board of Aldermen.

Individuals who have questions or concerns about these policies should talk with the Human Resources Manager or the City Administrator.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The City prohibits disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

F. Policy Relating To Persons With Disabilities.

It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Employer will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Manager or the City Administrator. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

On receipt of an accommodation request, the Human Resources Manager, City Administrator, supervisor, and/or designee, will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

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The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the Board of Aldermen by submitting a written request within ten business days of the decision explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The law does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Manager or the City Administrator. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

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1-3. At-Will Employment.

All employment is for an unspecified term and can be terminated, either at the City's or the employee's option, at any time, with or without cause, and with or without advance notice. Nothing herein is intended to create an express or implied contract inconsistent with such "at will" nature of the employment.

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1-4. Definition of Terms.

Throughout this Manual, unless some other meaning and intent is apparent from the context, the masculine gender shall be deemed to include all persons, and the singular the plural, and vice versa.

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The following words and phrases shall have the meanings indicated throughout this Manual, except where the context clearly indicates otherwise:

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Appointing authority. The City Administrator or his duly authorized representative, except as that power is specifically reserved by statute to the Mayor and/or Board of Aldermen.

Appointment. The designation to a position in the municipal service of a person by the appropriate appointing authority.

Classified employee. An employee holding a position in the classified service.

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Classified service. The classified service is comprised of all positions not specifically set forth as unclassified.

Date of hire. The date on which an employee is appointed to the municipal service. When an employee is transferred from the unclassified to the classified service, the date of hire shall be the date of his appointment to the classified service.

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Demotion. The movement of an employee from a position to a position having a lower maximum salary rate.

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Department. Any of the departments in the municipal government, now or as hereafter established by ordinances of the City of Raytown, Missouri.

Department Head. The officially appointed or elected head of any department.

Grievance. A grievance is a disagreement relating to employment and working conditions or relationships between an employee and his supervisor or other employees.

Immediate family. Is defined to include; spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), and spouses thereof.

Layoff. The separation of an employee which has been made necessary by lack of work or funds or other reasons not related to disciplinary action.

Part-time employee. An employee holding a position established on a basis of less than eight (8) hours a day or less than eighty (80) hours in a biweekly pay period.

Regular employee. A classified employee who is not probationary or temporary.

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Position. A group of current duties and responsibilities assigned or delegated by the appointing authority, requiring the employment of one person.

Position description. A non-exhaustive written statement of the work performed, delegated responsibility, and qualifications required to perform such work.

Probationary employee. An employee holding a position during a probationary period as herein provided.

Promotion. The movement of an employee from one position to a position having a higher maximum salary rate.

Resident. A person whose principal place of domicile is within the corporate boundaries of the City of Raytown, Missouri.

Salary range. A salary assigned to a class which sets the minimum, midpoint and maximum salary to be paid for the performance of work described, and allows salary advancements within a given range based on merit and other permissible considerations.

Transfer. The movement of an employee from one department or unit of the municipal government to another, or one position to another position having the same maximum salary rate.

Temporary employee. An employee holding a seasonal or intermittent position.

Unclassified employee. An employee holding a position in the unclassified service.

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Unclassified service. The unclassified service is comprised of those positions which are filled by City election; and the following appointive positions: City Administrator, Department Heads, City Treasurer, City Attorney, Prosecuting Attorney, members of all Boards and Commissions, part-time employees, temporary employees, and persons employed by special request of the Mayor and Board of Aldermen for temporary work, or to make or conduct a special inquiry, investigation, examination or installation.

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

1-5. Manual Authorized.

The personnel policies and procedures shall be established and implemented as per City Code Section 2-105, through the adoption a personnel manual.

1-6. Responsibility for Administration of Manual.

Except as otherwise specifically provided by this Manual, other ordinance of the City, or other applicable law, the City Administrator shall be charged with the responsibility for the administration of this Manual.

1-7. Procedures not in Derogation of Statutes.

Nothing contained in this Manual shall be construed as an infringement of the rights of the Mayor, Board of Aldermen or other elected official as granted by the Revised Statutes of Missouri, nor shall the same be deemed to grant to any employee a property right in his employment, a right to judicial review of any personnel practice or impair the employment at will status of any employee

1-8. Savings Clause.

If any article, division, section, subsection, sentence, clause or phrase of this Manual is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Manual.

1-9. Construction of Manual.

This Manual shall be construed so as to obtain fairness and substantial justice. No technical violation of a provision of this Manual shall impair the rights of any employee, supervisor, or the City, in the absence of a showing of prejudice to such party.

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2. PROVISIONS APPLICABLE TO ALL OFFICERS AND EMPLOYEES

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2-1. Residency.

Applicants for positions in the municipal services except as otherwise provided by law or ordinance are not required to be residents of the City, but are encouraged to become residents upon assuming municipal service.

2-2. Nepotism.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resources Manager, and City Clerk are not eligible for employment.

Members of the immediate family of an existing employee are not eligible for employment in the same division and/or if an on-going direct or indirect supervisory relationship would result from hiring.

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Members of the immediate family of an appointee to a City Board, Committee or Commission are not eligible for employment if the Committee has assigned duties or provides advisory oversight to the division in which employment is sought.

In the event these conditions are not met, including changes as a result of marriage, the affected employee(s) has 180 calendar days to conform to this policy. One immediate family member must transfer to an open position in another division or cease employment. Determination of who shall transfer or cease employment will be determined by the affected employee(s). Any such transfer will not guarantee maintenance of current rates of pay or classification. Failure to make a determination in the time allotted will result in termination of the least tenured employee.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resources Manager, and City Clerk are not eligible for employment are not eligible to seek a transfer and must cease employment within 180 calendar days. Failure to cease employment will result in termination.

This policy will be in effect for any employees hired, ~~transferred or promoted after~~ December 21, 2016.

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DEFERRED COMPENSATION

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2-3. Program Established.

As provided by law, the City of Raytown, Missouri, authorizes the establishment of the City of Raytown deferred compensation program.

2-4. Administration of Program.

The City Administrator or his representative is hereby designated and appointed administrator of the City of Raytown deferred compensation program and is hereby authorized and directed to invest funds with the consent of the participating employees, in such investments deemed appropriate including but not limited to life insurance or annuity contracts.

2-5. Ownership.

The City of Raytown, Missouri, will be the owner beneficiary and have all rights under any said investments, insurance or annuity contract. This deferred compensation program shall exist and serve in addition to any retirement, pension and benefit system heretofore or hereafter established by the City of Raytown, Missouri. Income deferred under this plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee. However, any sum deferred shall be exempt from taxation as provided by law.

2-6. Contracts Authorized.

The City of Raytown is hereby authorized to enter into a written contract with any of its employees to defer, in whole or in part, any part of its employees' gross compensation and may, with the consent of such employee, invest said funds in any such manner as provided for herein.

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3. COMPENSATION AND CLASSIFICATION PLAN

3-1. The Plan.

A position classification and compensation plan based upon and graded according to assigned work duties and responsibilities, merit and performance shall be developed and maintained by the City Administrator, or his delegate to provide standardization and the proper classification of all positions.

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3-2. Purpose.

The classification plan shall be used:

- (1) To provide like pay for like work;
- (2) To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes;
- (3) To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions;
- (4) To provide a basis for developing standards of work performance;
- (5) To establish lines of promotional opportunity;
- (6) To indicate employee training needs and development potentials;
- (7) To provide uniform and meaningful titles for all applicable positions;
- (8) To provide the fundamental basis of the compensation program and other aspects of the personnel program;
- (9) To provide a level of compensation that will allow the City to compete in the job market with other private and public employers in the area.

3-3. Administration of the Plan.

The City Administrator, or his delegate shall conduct position classification and compensation studies at such times as he deems necessary, when the duties and responsibilities of existing positions have undergone significant change, when new positions are to be established or upon request of the Board of Aldermen, Department Head or affected employee.

3-4. Classification of Positions.

Each position in the classified service shall be classified at the direction of the City Administrator, or his delegate.

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3-5. Position Descriptions.

The City shall maintain a master set of all approved position descriptions which shall constitute the official position descriptions of the position classification plan.

Such position descriptions shall be open for inspection in the office of the human resources by the public under reasonable conditions during regular business hours.

3-6. Application of the Compensation Plan.

The compensation plan shall be applied at the direction of the City Administrator.

3-7. Special Allowances.

All employees who use their personal automobiles in the performance of official duties, either as incidental to or a normal part of their regular assignment, shall be reimbursed on a mileage basis as established by the City Administrator, provided they are not paid a monthly expense allowance for the use of the automobile, and provided prior authorization for use was given.

3-8. Working Hours.

- (a) The 7-day workweek is defined as Sunday through Saturday. Pay day is Friday, and most employees are paid on a biweekly basis.
- (b) City offices serving the public shall be open and staffed each working day, from 8:00 a.m. to 5:00 p.m., Monday through Friday. The City Hall hours will be posted on all City Hall entrances. Barring any unforeseen circumstances, all City Departments should be available by telephone during working hours.
- (c) Two (2) rest periods of fifteen (15) minutes each may be provided for employees, scheduled at the discretion of the Department Head.
- (d) Assigned work hours may vary between departments and locations to maintain proper work area coverage and service to the community.

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3-9. Time Reporting.

Attendance records are City records, and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees or request or allow other employees to log-in for the employee. Violations of this policy may result in appropriate disciplinary action, up to and including immediate discharge.

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All non-exempt employees must record the time they arrived/departed and at lunch, each day, on his/her time record. Each employee is responsible only for his/her own recordkeeping.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

4. EMPLOYMENT AND BENEFITS

4-1. Departmental Policy Authorized.

Because the situation and requirements of the employees of the various departments are or may be unique to that department, the Department Heads are authorized to make written policy governing the conduct and performance of the employees of their respective departments provided that such written policy shall not conflict with the statutes, ordinances or general policy and procedure of the City.

EMPLOYMENT

4-2. Recruitment.

The City Administrator or his delegate is responsible for recruiting and application completion for all applicants. The City Administrator or his delegate is exclusively authorized to contact outside employee sources. For this purpose, "delegate" refers to the Human Resources Manager and/or Department Heads.

4-3. Applications.

Unless otherwise delegated to a Department Head, applications shall be on the forms prescribed by the City Administrator or his delegate. All employment is contingent upon the veracity of statement made thereon as certified by the applicant's signature.

4-4. Employment Categories.

Classification of a particular position shall be as determined by the City Administrator or his delegate.

4-5. Employment Offers and Rates.

- (a) Job offers to selected applicants, including starting salary and position are made by the appointing authority.
- (b) All offers are contingent upon such additional conditions as the appointing authority may determine.

OUTSIDE EMPLOYMENT

4-6. Permission and Restrictions.

Outside employment constitutes a City employee being self-employed or holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial, or ethical conflicts of interest result from such dual employment. No employee will perform any work for any outside agency during their established work period. No employee will be exempt from performing overtime duty because of outside employment commitments. A written request/notification must be submitted and approved by an employee's Department Head prior to an employee becoming self-employed or accepting outside employment.

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~~3-1. Appointment of Officers.~~

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~~The Mayor shall, by ordinance, resolution or motion, approved by a majority of all the members of the board of aldermen, appoint persons to serve in the various positions of the unclassified service, except as provided in paragraph (b).~~

~~¶~~

~~Part-time and temporary employees shall be appointed in accordance with Section 4-3 through 4-6.~~

~~¶~~

~~3-2. Removal of Appointive Officers.~~

~~¶~~

~~(a) The Mayor may, with the consent of a majority of all the members of the Board of Aldermen, remove from office at will any person in the unclassified service, and such person may be removed by a two-thirds vote of all the members of the Board of Aldermen, independent of the Mayor's approval or recommendation.~~

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CERTIFICATION AND APPOINTMENT

4-7. Vacancies.

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Vacancies in the classified service may be filled by reemployment, promotions, original appointment, transfer or demotion as provided in these rules.

It shall be the responsibility of the Department Head to notify the City Administrator or his delegate of any available position.

4-8. Appointments.

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Appointing authority. Appointments of personnel to classified or unclassified positions in municipal service may be made only by the appointing authority.

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PROBATIONARY PERIOD

4-9. Purpose.

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The probationary period shall be utilized by the appointing authority as an opportunity to observe the work of a newly hired employee or a promoted employee. In reviewing the employee's work, the appointing authority may note the employee's attendance, work habits, appearance, cooperation, learning capacity for that position, and other criteria.

4-10. Duration.

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- (a) Each employee selected to fill a position with the City must successfully complete a probationary period. This gives the supervisor an opportunity to observe the candidate in order to determine whether or not the person is capable of handling the responsibilities and duties of the job in a satisfactory manner.
- (b) Each employee who moves to a different job classification shall also undergo a probationary period in order to achieve minimal competency in the new position. An employee who fails to satisfactorily complete such probationary period shall be returned to the pay and position he or she held immediately prior to the promotion if this position or a similar position is open and available.
- (c) The duration of the probationary period for both new employees and promoted employees shall be at least six months or more based upon recommendations of the Department Head. The successful completion of a probationary period should not be construed as creating a contract, as guaranteeing employment for any specific duration or to mean that an employee has attained any kind of tenure or right to be terminated only for cause. Rather, it means that although the employee remains an employee at will, the City may, in certain circumstances, elect to utilize progressive discipline to correct performance problems before termination. However, the City retains the absolute discretion to terminate any employee at any time for no reason or for any lawful reason.

(d) Pay increases for probationary employees will be on a discretionary basis.

(e) If, at any time, during the probationary period, the probationary employee's performance is determined to be unsatisfactory, the employee may be separated from the position immediately.

Deleted: (d) During a probationary period, the City will endeavor to review the performance of the probationary employee on a monthly basis using a City provided form submitted to Human Resources, utilizing a standard department evaluation form.¶
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RECORDS AND REPORTS

4-11. Evaluation of Employees.

- (a) It is the City's policy to provide a compensation package to all employees which will allow the City to compete with other private and public employers. The City recognizes that the compensation package will required periodic review and adjustment in order to remain competitive.
- (b) The City Administrator, Department Head or his designee is responsible for reviewing the performance of each perspective employee and may make recommendations concerning the compensation and benefit package.

4-12. Personnel Records.

- (a) Personnel records are considered confidential, and authorization to see or release information from personnel files is only to be made by the City Administrator or his delegate.
- (b) Unless otherwise specified by the City Administrator and/or described in Department Policy, all documents, reports, forms and papers gathered during any internal investigation relating to personnel or disciplinary action shall become part of the City's personnel records, and a copy of the final report shall be included in the personnel file of any employee affected by the investigation.
- (c) Any document that may lead to disciplinary action shall be provided to the employee. The employee shall have access to his own personnel file during regular business hours. Employees who wish to view their personnel file should contact the Human Resource Manager.

4-13. Reports.

Every appointment, transfer, promotion, demotion, dismissal and disciplinary action of employees in both the classified and unclassified service shall be reported to the human resources office on forms approved for such use, to be reviewed by the City Administrator or his delegate for compliance with this Manual before becoming effective.

4-14. Effective Dates for Salary Changes.

Salary changes for all classified employees shall be effective not sooner than the beginning of the pay period during which the appropriate form is processed and approved.

BENEFITS

4-15. Policy.

All employees are expected to schedule and take time off each year for earned vacation and to observe scheduled holidays. The benefits described herein shall be the only benefits or absences from duty authorized. Unless otherwise provided or required by law, benefits will accrue only to full-time, regular employees.

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Deleted: The human resources office shall provide the appropriate Department Head with employee performance evaluation forms which shall be returned to the human resources office prior to the effective date. Only under approval of the City Administrator and with extenuating circumstances, may an employee commence additional duties agreed upon in employment without being compensated as the result of a position change or promotion.

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4-16. Holidays.

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(a) The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Martin Luther King Day
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Thanksgiving Day, 4th Thursday in November
- Friday following Thanksgiving Day
- Christmas Day, December 25th
- Two floating holidays.

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(b) Holiday Observance. Determination of a holiday for shift personnel shall be based on the actual date of the holiday. For employees who normally work Monday–Friday schedules, observance of holidays shall be either the day the holiday falls on, or if the holiday falls on a Saturday the previous Friday will be observed, and, if the holiday falls on a Sunday, the following Monday will be observed.

(c) Holiday Pay. An employee whose regular work day falls on any City-recognized holiday shall receive their regular pay plus holiday pay for the hours worked, but not to exceed the amount of hours of their normal work schedule.

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(d) Holiday Call-back. An employee called back to duty on a holiday shall be compensated at 1½ rate and shall receive a minimum of 1 hour of pay. If they are engaged to work after the call in they will receive a minimum of two (2) hours pay. They will still receive their full holiday pay.

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(e) Off-duty Shift Workers. Shift workers such as police officers, with the exception of EMS, whose regular scheduled day off falls on any City-recognized holiday shall receive, in addition to his day off, regular pay as holiday compensation equal to the amount of hours the employee would regularly be scheduled for work. Off-duty EMS shift workers shall receive 12 hours of regular pay on holidays.

Deleted: Any 24-hour employee not working the holiday is to receive 8 hours holiday pay at straight time. Any 24-hour employee working the holiday receives pay for working plus time and a half for holiday pay. This is an incentive for crews to cover open shifts on the holidays.¶

(f) Part-time or Seasonal. Part-time and/or seasonal personnel will not be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. If part-time or seasonal personnel do work on a City observed holiday, they will be compensated at their regular hourly wage unless they have worked over 40 hours that week at which time they will be compensated at 1½ time rate.

(g) To be eligible for holiday pay an employee must be on the payroll on the day of the holiday, must have worked or been on paid leave the work day prior to the holiday and the work day following the holiday.

(h) Holidays occurring during an employee's paid vacation time will be credited as a holiday and not as a vacation day.

(i) Consideration will be given to employees wishing to observe other religious holidays not a part of the official city holidays. The leave may be charged to vacation, or leave without pay.

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(j) Employees, regardless of shift, shall be granted two (2) shifts as floating holidays.

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(1) To be eligible for the floating holidays, an employee must have been a regular full-time employee for six (6) months prior to taking such holiday.

(2) Floating holidays must be taken in their entirety and may not be used in increments.

(3) Floating holidays must be approved by Department Head of his designee.

Commented [m44]: Addition for clarification as with vacation.

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Deleted: In the rare event of early closure due to weather, natural disaster or unforeseen circumstances, the employees shall be compensated for the entire day as to avoid financial hardship if the employee has already made it to the location of employment (City Hall, Public Works Garage, EMS Facility, Police Department, Parks Facility, etc.)

Commented [m46]: Remove language.

4-17. Vacation.

(a) Amount:

(1) Employees ~~in the classified service and unclassified service~~ (excluding elected employees) employed at work on a regular basis of at least forty (40) hours per

week, but not on a twenty-four (24) hour shift, shall earn vacation time at the following rate, up to a maximum accumulation of two hundred eighty (280) hours:

Classified and Unclassified Employees on shifts less than 24 hours		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	3.7	280
60 – 119	4.7	280
120 – 179	5.6	280
180 – 239	6.5	280
240 +	7.4	280

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(2) Employees in the classified service employed to work on a regular basis of a twenty-four (24) hour shift day, shall earn vacation time at the following rate up to a maximum accumulation of two hundred eighty-eight (288) hours:

Classified Employees on scheduled to work 24 Hour Shifts		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	4.7	288
60 – 119	6.5	288
120 – 179	8.3	288
180 – 239	10.2	288
240 +	12	288

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Commented [m47]: No legal liability. Unnecessary economic burden for the City.

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(b) *When accrued:* Employees, hired on a full-time basis, shall begin accruing leave at the above scheduled rate with their first payroll.

(c) *When taken:*

- (1) Vacation requests must be submitted in a manner established by a Department Head or his designee.
- (2) Vacation leave with pay must be earned before it can be taken.
- (3) Vacation leave shall be approved by Department Head or his delegate.
- (4) No employee shall be permitted to waive vacation for the purpose of receiving double pay.

(d) *Holiday during scheduled vacation:* Any holiday which shall occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

(e) *Sick leave:* Sick leave may not be used to augment vacation time, but earned vacation may be used to augment exhausted sick leave.

(f) *Vacation pay upon separation from employment:* Employees who separate from City employment in good standing by giving fourteen (14) calendar days' notice of resignation shall be paid for all vacation accrued but not taken by the date of termination.

Employees terminated by the City for cause or who resign without proper notification shall forfeit accrued vacation credits, unless otherwise disallowed by applicable laws then existing.

4-18. Sick Leave.

Paid sick leave is not required by law and is provided for the benefit of the employee.

The City reserves the right to control how, when and in what increments sick leave may be used.

(a) *Amount:*

- (1) Employees in the classified service and the unclassified service, but excluding elected employees, employed to work on a regular basis of forty (40) hours per week, five (5) days per week, shall earn sick leave at the rate of three and seven tenths (3.7) hours per pay period.
- (2) Employees in the classified service, employed to work on a regular basis of a twenty-four-hour shift day, shall earn sick leave at the rate of five and one tenth (5.1) hours per pay period.

(b) *When accrued:* Employees, hired on full-time basis, shall begin accruing sick leave immediately—regardless of whether they have completed their probationary period.

(c) *When taken:*

- (1) Sick leave shall be available for use by an employee upon accrual.

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Deleted: Each Department Head shall schedule vacation leave on a first come, first served basis with particular regard to the seniority of employees.

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Deleted: (2) Sick leave must be earned before it can be taken.

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(2) The following absences are chargeable to sick leave when approved by the City Administrator or his delegate:

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- (A) Loss of work due to illness or injury, including pregnancy, childbirth and related medical conditions.
- (B) Personal doctor or dentist appointments when emergency or otherwise unavoidable circumstances make it impossible to schedule such appointments during nonworking hours.
- (C) Necessary care for a family member of the immediate family.
- (D) Sick leave requests must be approved by the City Administrator or his delegate prior to payroll action.

(d) *Holidays during sick leave:* Any holiday occurring during a period of illness will not be charged against sick leave.

(e) *Illness while on vacation:* No refund of vacation time shall be allowed for illness incurred while on vacation.

(f) *Vacation may augment sick leave:* Vacation credits may be used to augment exhausted sick leave; but sick leave may not be used to augment vacation.

(g) *Pay during illness:* The sick leave program, the weekly indemnity insurance plan, and worker's compensation are intended as a protection against loss of wages during illness or injury when the employee is unable to work. They are not intended to exceed the employee's monthly salary.

(h) *Sick leave accumulation:*

(1) There will be a cap of 1,040 hours placed on sick leave accrual. This cap will be enforced on the last pay period of the fiscal year. Any amount accrued over the cap will be adjusted off.

(2) Current employees, as December 21, 2016, with more than 1,040 hours will not lose any accrued time but they will not accrue additional leave until they drop below the cap.

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(i) *Sick leave buyback:* In October of each year employees with a minimum of 360 accrued sick leave hours will be allowed to sell back up to 96 hours of sick leave at their current rate of pay and based on the longevity chart below.

Months of Service	Sellback Ratio
60 - 119	15%
120 - 179	30%
180 - 239	45%
240+	60%

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(j) *Sick leave upon separation:* Employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buyback the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer, no additional use of sick leave will be allowed.

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(k) *Reporting illness:* An employee unable to report to work, intending to claim sick leave, shall report prior to the time his work period is to begin. Advance notification guidelines will be established by the Department Head but will be no less than one hour prior to expected start time. Failure to comply with this paragraph may result in disallowance of sick leave for that absence.

(l) *Abuse of sick leave:* Sick leave is a benefit provided for the employee but it is not intended to be used to supplement vacation or holidays. The City has adopted specific policies in regards to the use of sick leave and any use for other than the stated purposes in this policy will be considered abuse. Sick employees are encouraged to stay home and recover so as not to cause any of their coworkers to become ill. However, abuse of sick leave impacts not just the employer but also coworkers that are required to cover the absent employee's duties. Use of unscheduled sick leave for other than actual illness of the employee or to care for the employee's immediate family will be considered abuse. A pattern of suspected abuse including but not limited to the repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation, pay day or inclement weather or use after vacation time has been denied (regardless of the number of consecutive days) will be considered abuse. Abuse may result in disciplinary action up to and including termination. This policy will not be applicable to FMLA and ADA qualifying events.

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(m) *Physician's statement required:* Sick leave in excess of two work shifts shall be allowed only after such employee presents to the City Administrator or his delegate a written physician's statement certifying that the employee's condition prevented the employee from performing his duties. The City Administrator or his delegate shall be entitled to request a physician's statement in such other circumstances as deemed appropriate.

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(n) Sick leave may be used to augment bereavement.

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4-19. Leaves of Absence.

(a) *Family and medical leave (FMLA):*

(1) Family and medical leaves of absence shall be granted to employees who have been employed in the municipal service for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the year preceding the start of leave.

(2) Family and medical leaves of absence shall be granted for extended periods of time off work due to those reasons required by federal law, including:

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- (a) Birth of a child, and to care for such child;
- (b) Placement of a child for adoption or foster care;
- (c) Caring for the employee's seriously ill spouse, child or parent; or
- (d) Because of a serious health condition that makes the employee unable to perform his or her job functions;
- (e) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status; and

(f) To care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.

(3) Employees will be required to use vacation or sick leave for their first 40 hours of FMLA. After that time, they can either continue to use their accrued leave or they will be placed on leave without pay.

(4) Except when impracticable, such as in an emergency situation, family and medical leaves of absence should be requested in writing thirty (30) days in advance.

(5) Family and medical leave may be granted for periods not exceeding twelve (12) weeks during any twelve-month period measured forward from the first use of FMLA.

(6) Following leaves of absence, employees shall be entitled to be restored to their former position or to an equivalent position with equivalent employee benefits, pay, and other terms and conditions of employment. An employee among the highest paid ten (10) per cent of the employees employed by the employer may be denied such full restoration if substantial and grievous economic injury to the employer would result and the employee is notified of this decision at the time of the leave request.

(7) All insurance may be continued for the duration of medical and family leave at the level and under the conditions coverage would have been provided if the employee had continued in employment. Such insurance and any required co-payment shall be paid prior to the first of the month in which it would otherwise expire.

(8) Prior to reinstatement from leave for a serious health condition, a doctor's statement indicating the employee is able to perform the essential job functions may be required. If, in the opinion of the City Administrator or his delegate, the employee is not so qualified, the employee shall be examined by a physician selected and paid by the City.

(b) *Military leave:* The City will follow all federal guidelines concerning Military Leave and corresponding pay.

Before any payment of salary is made covering the period of leave, the employee shall file with the City Administrator or his delegate an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of such order. Additionally, certification of military pay must be provided so that the City can calculate the appropriate city pay.

Commented [m54]: Unnecessary economic burden for the City. Law allows employer to require employee to use all sick and vacation leave while on FMLA. To do otherwise, often allows employees to remain on leave status for far more than 12 weeks. Can create legal liability in instances where the City wants to separate but cannot because employee has paid leave on the books.

(c) *Personal leave:*

- (1) Personal leaves of absence may be granted to full-time employees based upon employee's length of service, total work record, and the reason for the leave of absence.
- (2) Personal leaves of absence may be granted for extended periods of time off work due to compelling, unique and infrequent personal reasons.
- (3) Personal leaves of absence must be requested in writing to the City Administrator or his delegate in advance, except in emergency situations. Personal leave may be granted, with the approval of the City Administrator or his delegate, for periods not exceeding three (3) months. Extensions may be granted.
- (4) Following personal leaves of absence, the City may endeavor to place the employee in the same or similar job, depending on skill and ability. However, return to municipal service shall be at the convenience of the City. In the event that the employee is not reinstated following termination of leave, the employee shall be deemed separated without prejudice.

(d) *Miscellaneous provisions:*

- (1) Leave shall be allowed only for the stated purpose. In the event an employee engages in any activity inconsistent with that for which the leave was granted or if he shall accept other unapproved outside employment, he shall be deemed to have tendered his resignation without notice at the effective date of the leave.
- (2) During leaves, except as otherwise provided herein, benefits will not accrue nor will holidays be paid. This applies even if an employee chooses to refuse FMLA. Leave will not constitute a break in service for pension purposes or for merit review purposes, but medical, life and other insurance benefits may be continued at the cost of the employee. Such insurance shall be paid for prior to the first of the month in which it would otherwise expire.
- (3) Except as otherwise provided herein, leaves of absence will be without pay.
- (4) Except in the case of military leave, an employee shall use all his+- accrued sick leave and vacation prior to being granted unpaid leave. An employee may elect to use accrued vacation benefits during additional military leave, but shall not be required to do so.

- (e) *Jury duty.* Employees shall be granted leave during the time they are summoned to appear for jury duty. They shall be paid their regular salary during their attendance and will be allowed to retain any remuneration received for serving.

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(f) *Bereavement leave.*

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- (1) Employees are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of an immediate family member as defined previously.
- (2) Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the City, provided such absence from duty will not interfere with normal operations of the City.

Deleted: To be eligible for paid bereavement leave, the employee must attend the funeral of the deceased relative.

4-20. Insurance Benefits.

Government regulations define standards to protect the privacy of health information. In the course of the employment relationship, an individual's health information may be used by the City when necessary for the administration of workers' compensation benefits, drug or alcohol testing, or health insurance plan benefits. You may be asked to sign an authorization form to permit a Medical Provider or health plan to disclose health information to the City. Any such disclosure will only be used for the specific purpose of the disclosure and the City will take all reasonable precautions to protect the privacy of this information.

The following benefits are provided by the City for the employees. Additional benefits may be made available to the employee from time to time on an individual subscription basis:

- (a) *Worker's compensation insurance.* Employees who are injured or become ill during the course of work are covered by the state worker's compensation act. Employees injured on the job or suffering a work-related illness shall notify their supervisor as soon as possible following the injury or illness.
- (b) The City makes available health, dental and vision care coverages in combination with a life insurance benefit plan for full-time employees and their dependents. The employee shall select life insurance coverage from available options at the employee's cost. In addition, the employee may select health, dental and/or vision care coverage for himself and his dependents, to which the City will contribute an amount determined by the board of aldermen per month per employee for single health care coverage and a separate amount determined by the board of aldermen per month per employee for dental, vision and family health care coverage. Health, dental and vision coverage in excess of the amount determined by the board of aldermen shall be paid for by the employee through payroll deduction.

4-21. Pension Plans.

Membership in pension plans are provided for employees subject to the terms and conditions of the specific trust agreement and/or contract provisions governing such plans.

4-22. Worksite Breastfeeding.

Employees shall be provided a place to breastfeed or express their milk. An employee lactation room shall be provided as a private and sanitary place for breastfeeding employees to express their milk during work hours. This room provides an electrical outlet, chair, and nearby access to running water. Employees may use their private office area for breastfeeding or milk expression, if they prefer.

A refrigerator will be made available for safe storage of expressed breastmilk. Employees may use their own cooler packs to store expressed breastmilk, or may store milk in the refrigerator/freezer. Employees should provide their own containers, clearly labeled with

name and date. Those using the refrigerator are responsible for keeping it clean.

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for her child. The time will not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used, or the employee can come in a little early or leave a little later to make up the time.

Please contact the Human Resources Manager to discuss.

SEPARATION FROM MUNICIPAL SERVICE

4-23. Resignations.

(a) Any employee may resign in good standing by presenting his resignation in writing fourteen (14) calendar days prior to the effective date and continuing to perform assigned duties without disruption or violation of City policies. Resignation without such advance notice and observance of conduct rules and City policies will result in forfeiture of all accrued vacation, unless otherwise prohibited by then-existing applicable laws. Such resignation shall be promptly forwarded to the human resources office.

(b) At the discretion of the Department Head, the employee may be allowed to leave immediately after notice and still be considered to have left in good standing if it is more convenient for the department.

4-24. Reduction in Force; Layoff.

An employee may be separated from municipal service without prejudice because of lack of funds or curtailment of work. Ordinarily, the City gives notice of at least ten (10) working days to such employees prior to separation.

4-25. Separation Pay.

- (a) Upon separation from City employment in good standing employees will receive payment for unused vacation credits accrued.
- (b) Separated employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buy back the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer no additional use of sick leave will be allowed.
- (c) Upon separation with prejudice, employees will receive payment only for time worked.
- (d) Notwithstanding the foregoing paragraph, no separation pay shall be paid until all property issued to the employee has been returned and all financial obligations to the City have been satisfied.

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4-23. Employee Conduct¶

¶ It is the policy of the City that certain rules and regulation regarding employee behavior are necessary for the efficient operation of the City and for the benefit and protection of the rights and safety of all. Conduct that interferes with operations, brings discredit to the City and/or is offensive to citizens or fellow employees will not be tolerated. This section outlines some basic guidelines, bearing in mind that it is impossible to list every possible conduct rule and infraction. The discipline policies cannot cover all circumstances that arise in the employment relationship. Additional reasons for disciplinary action may be necessary depending on the circumstances. While the City may in some cases utilize progressive discipline, employees remain employees¶ at will and may be summarily terminated at any time with or without cause. Discipline—¶ progressive or not—may always include corrective actions up to an including termination.¶

(a) All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the City. As an illustration, some misconduct¶ which may result in corrective action, up to and including termination, includes failing to abide by the following basic conduct rules:¶

- ¶
- (1) Reporting to work punctually as scheduled and being at the workstation—ready for work, at the assigned starting time.¶
 - (2) Notifying their supervisor when the employee will be absent from work, or is unable to report for work on time.¶
 - (3) Complying with all City safety and health regulations. (4) Smoking only in specifically designated areas.¶
 - (5) Wearing clothing appropriate for the work being performed. (6) Performing assigned tasks efficiently and effectively.¶
 - (7) Maintaining work place and work area cleanliness and orderliness. (8) Treating all citizens and visitors as guest of the City.¶
 - (9) Endeavoring to rectify identified and/or known poor performance in carrying out¶ job assignments.¶

¶

(b) A non-exhaustive list of severe misconduct most likely to result in severe discipline, such as imme ... [72]

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4-26. Termination.

Any employee may be separated from the municipal service as a result of disciplinary action as hereinafter provided and such separation shall be "with prejudice." However, no separation shall be with prejudice until such time as his termination has become final.

GRIEVANCE POLICY

4-27. Purpose.

The City wishes to encourage employees to resolve any conflicts and grievances which arise in the workplace as quickly as possible through informal means. This procedure is designed to provide a framework for the efficient and effective resolution of difficulties that may arise in the workplace, through open communication and discussion between colleagues. The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. The procedure does not provide for sanctions against anyone involved. A separate procedure exists to deal with disciplinary issues.

4-28. Policy.

Employees are strongly encouraged to use informal approaches, such as directly discussing the matter with the person(s) involved, rather than to use the formal procedure. Only if the informal methods fail to bear fruit should the employee use the formal procedure. Where a formal grievance is submitted and the employee subsequently opts to seek a solution informally, the grievance will be placed on hold. If any employee is unable to resolve his grievance informally, he may present his grievance to his Department Head within ten (10) calendar days of the incident.

4-29. Grievances to be in Writing.

All grievances shall be in writing and state the problem or problems as well as the recommended solution. Grievances are not intended to be an alternate means of seeking review of discipline but are intended to address employment or working conditions which affect the grieving employee uniquely or the group of employees of which the grieving employee is a representative member; grievances may also address disagreements or relationships between employees or groups of employees, including supervisors. Any grievance which is determined to be an attempt to seek review of discipline shall be summarily dismissed.

4-30. Additional Review.

Any party to a grievance who is unsatisfied with the outcome may request additional review by presenting to the City Administrator a copy of the grievance, within five (5) calendar days of the prior disposition, including the reasons for his dissatisfaction and the relief requested. City Administrator will review and take appropriate action. The City Administrator's decision is final.

If no party to a grievance pursues additional review within the five (5) calendar day time limits, all parties will be presumed to have been satisfied with the outcome.

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CITIZENS PERSONNEL COMPLAINTS

¶
4-28. Purpose.

¶
It is recognized that many citizens will evaluate the municipal government upon the basis of their observation of and interaction with municipal employees. Therefore, employees should¶
at all times perform their duties efficiently, effectively and with due consideration to the rights of the citizens involved.¶

¶
This provision excludes the Police Department as they host a separate internal affairs procedure. ¶

¶
4-29. Complaints in Writing.

¶
Unless otherwise addressed in Department policy, all citizens complaints shall be submitted in writing for submission and contain a brief statement of the facts, the complaint and the requests or recommendations, if any, and shall be sworn to by the complainant to be true to the best knowledge and belief of the complainant *before a notary public.* ¶

¶
4-30. Delivery.

¶
Unless otherwise addressed in Department policy, any such written, ~~notarized~~ complaint shall be delivered to the office of the City Administrator, or his delegate, and any complaint which is misdirected by any citizen by delivery to any other person in the municipal service shall promptly be forwarded to the City Administrator, or his delegate. Failure to forward written complaints shall constitute grounds for disciplinary action. ¶

¶
4-31. City Administrator's Duties.

¶
Unless otherwise delegated to a Department Head and described in Department policy, it shall be the duty of the City Administrator or his delegate, upon receipt of any complaint, to initiate an investigation. Upon conclusion of the investigation, the City Administrator or his delegate may find the complaint to be without merit, take corrective action as he deems appropriate, or take appropriate disciplinary action against the employee involved. ¶

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4-31. Protection.

No employee shall be disciplined, discriminated against or otherwise prejudiced in any way because of his proper use of the grievance procedure.

DISCIPLINARY POLICY

4-32. Policy Statement.

As a City of the fourth class, all officers and employees serve at the will of the Mayor and Board of Aldermen. Nevertheless, the Mayor and Board intend to promote efficiency and economy in the operation of the City government. Therefore, it shall be the duty of each employee to maintain high standard of conduct and cooperation in their work for the City.

4-33. Purpose.

It is the policy of the City to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

(a) Scope of Policy.

These policies and procedures are applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay or dismissal. It does not apply to:

- (1) Suspension with pay pending investigation of allegations relating to an employee; (2) Decisions not to offer reappointment to persons whose appointment for a stated period expires; or
- (3) Dismissal of employees:
 - (a) Who are appointed by the Board of Aldermen and fall under an employment agreement that defines the terms for separation and appeal;
 - (b) Who occupy positions that are dependent upon funding from a specific source and such funding is not received;
 - (c) As a result of reorganization;
 - (d) Because of financial exigency;
 - (e) During the 180-day probationary period; or
 - (f) Who are appointed for a stated period of less than 180 days.

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4-34. Employee Conduct.

It is the policy of the City that certain rules and regulation regarding employee behavior are necessary for the efficient operation of the City and for the benefit and protection of the rights and safety of all. Conduct that interferes with operations, brings discredit to the City and/or is offensive to citizens or fellow employees will not be tolerated. This section outlines some basic guidelines, bearing in mind that it is impossible to list every possible conduct rule and infraction. The discipline policies cannot cover all circumstances that arise in the employment relationship. Additional reasons for disciplinary action may be necessary depending on the circumstances.

While the City may in some cases utilize progressive discipline, employees remain employees at will and may be summarily terminated at any time with or without cause. Discipline—progressive or not—may always include corrective actions up to an including termination.

(a) All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the City. As an illustration, some misconduct, which may result in corrective action, up to and including termination, includes failing to abide by the following basic conduct rules:

- (1) Reporting to work punctually as scheduled and being at the workstation—ready for work, at the assigned starting time.
- (2) Notifying their supervisor when the employee will be absent from work, or is unable to report for work on time.
- (3) Complying with all City safety and health regulations.
- (4) Smoking only in specifically designated areas.
- (5) Wearing clothing appropriate for the work being performed.
- (6) Performing assigned tasks efficiently and effectively.
- (7) Maintaining work place and work area cleanliness and orderliness.
- (8) Treating all citizens and visitors as guest of the City.
- (9) Endeavoring to rectify identified and/or known poor performance in carrying out job assignments.

(b) A non-exhaustive list of severe misconduct most likely to result in severe discipline, such as immediate termination, follows:

- (1) The use of alcoholic beverages on City property, work sites or reporting for work while under the influence of alcoholic beverages, or controlled substances which are not prescribed for that employee.
- (2) Sleeping while on duty.
- (3) Unacceptable demeanor about work that is visible to coworkers and influences the work environment.
- (4) Sexual harassment and / or discrimination.
- (5) Insubordination – the refusal by an employee to follow management's instructions concerning a job-related matter.
- (6) Theft or misuse of City property, or of another employee's property.
- (7) Falsifying any City record or report, such as an application for employment, a production record, a time card, or shipping or receiving records.
- (8) Being convicted of a crime of moral turpitude.
- (9) Being absent without leave.
- (10) Excessive tardiness or abuse of sick leave.
- (11) Abuse or damage to City property through negligence or carelessness.

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4-35. Employee Discipline.

Occasionally an employee must face discipline for actions that fail to conform to the conduct or performance expected of a City employee in the employee's position. Only a small percentage of employees ever become involved in such actions.

The primary objective of the City's disciplinary process is to correct the problem. Depending on the type of employee and the seriousness of the act, the following disciplinary measures may be implemented: Remedial training, Counseling, Verbal Reprimand, Written Reprimand, Suspension With Pay, Suspension Without Pay, Demotion, or Termination.

Nothing contained in this Manual, employment applications, memorandums or other material provided to employees in connection with their employment shall require the City to have "just cause" to terminate employees or otherwise restrict the City's right to terminate an employee at any time or for any reason. Statements of specific grounds for termination set forth in this Manual or elsewhere are not all-inclusive and are not intended to restrict the City's right to terminate at will.

In certain instances, the City may use a progressive disciplinary approach to discipline. The City is not obligated to use any or all of the progressive disciplinary steps available and may begin the disciplinary process at any level, up to and including immediate discharge, depending, among other things, on the severity of the conduct, the employee's prior work performance and disciplinary history, the employee's length of service and any mitigating or other individual circumstances.

4-36. Procedure For Appealing Disciplinary Actions.

Disciplinary actions resulting in dismissal may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by the Human Resources Manager. The failure of the employee to process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to respond in a timely manner to an appeal shall constitute authorization for the employee to process the appeal to the next step.

Step One:

The employee may present a written appeal to the Department Head or equivalent within five (5) working days from the date of the disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be mailed to the employee.

Step Two:

If the employee is not satisfied with the step one decision, the employee may present a written request for a hearing before the City Administrator or designee. The request for a hearing must state with particularity why the disciplinary action was inappropriate and/or why the decision of the step one official should be changed. The request must be made within five (5) working days following the date of the appealed decision. The City Administrator shall, in his or her discretion, either hear the appeal in person or appoint a delegate(s) to hear the appeal. The hearing shall be conducted pursuant to the procedure set out below.

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Employees who do not have a separate, individual written employment contract or collective bargaining agreement are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice.¶

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• Probation period in conjunction with disciplinary action. In conjunction with an employee receiving disciplinary action, the Department Head may impose a probationary period. The reasons for the probationary period, as well as the length and desired outcomes, will be included in the written disciplinary action.¶

¶

• Decision-making leave. Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior.¶

¶

• Administrative leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay.¶

¶

Supervisory / Managerial Responsibilities.¶

¶

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Records of Disciplinary Actions.

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

Step Two Hearing Procedures.

(1) Pre-Hearing Rules and Procedures.

- (A) *Naming the Delegate(s)* - If the City Administrator elects to appoint a delegate(s) to hear the appeal, the name or names will be furnished to the employee as soon as practical after the selection is made. If more than one person is appointed, one of such persons shall be designated to serve as chair in the notice to the employee.
- (B) *Challenges to Impartiality* - An employee may challenge the fairness and impartiality of the City Administrator or an appointed delegate(s). The challenge must be in writing and must clearly state the factual basis for the challenge. A challenge of the City Administrator must be made within five (5) days of the date of the request for a hearing and a challenge of a delegate(s) must be made within five (5) days after the date of the notice appointing the delegate(s). It shall be up to the person challenged to determine whether he or she can serve with fairness and impartiality. If the City Administrator determines that he or she cannot be fair and impartial in the consideration of the appeal, he or she shall appoint a delegate(s) to hear the appeal. If a challenged delegate(s) determines that he or she cannot be fair and impartial in the consideration of the appeal, the City Administrator shall appoint another delegate(s).
- (C) *Time Limits* - The hearing shall be conducted as soon as practical, but not later than twenty (20) working days following the date of the appeal or the appointment of delegate(s).
- (D) *Discovery Rights and Document Exchange.*
 - i. The employee may request City documents, records, or exhibits. Such request must accompany the step two written appeal. The requested records will be furnished if, in the opinion of the City Administrator or the designated chair, as the case may be, they are relevant to the appeal and are not made confidential by law.
 - ii. At least five (5) days prior to the time set for the hearing, the City representative for the appeal and the employee shall furnish each other with the names of the witnesses to be called, a summary of their expected testimony, and a copy of each document, record or exhibit to be introduced at the hearing.

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~~If the employee is not satisfied with the step two decision, a written appeal may be made to the Mayor of the City within five (5) working days of the date of the step two decision and must state why such decision is incorrect. The review by the Mayor shall be based solely upon the step two record and shall not include any new issue or evidence. Within a reasonable period of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be mailed to the employee. The decision of the Mayor is final.~~

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(2) Hearing Rules and Procedures.

(A) *Role of Hearing Chair.*

- i. The City Administrator or the delegate designated as chair shall preside at the hearing and ensure the order of presentation as well as decide on questions of relevancy. The chair shall also have the discretion to determine the form and scope of cross examination allowed during the hearing.
- ii. Upon request, the chair may consult with and be advised by counsel during the hearing.

(B) *Right to Representation.*

The employee has the right to be represented at the hearing by an attorney or other individual representative.

(C) *Hearing Record.*

In all appeal hearings where the employee is represented by an attorney or an individual from an employee organization, a court reporter ~~may~~ be furnished by the City to transcribe the hearing and swear in witnesses. The party requesting a copy of the transcript of the proceedings shall be responsible for its cost. In all other appeal ~~hearings~~, the City shall tape the hearing and make a copy of the tape available to the employee on request. The transcript of the court reporter or the tape of the proceedings shall be the official record of the hearing.

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(D) *Burden of Proof.*

The City has the burden of proving by a preponderance of credible evidence that good cause exists for the disciplinary action and therefore shall have the right to open and close the proceedings.

(E) *Order of Presentation and Right to Cross-Examination.*

- i. The hearing shall consist of opening statements on behalf of the City and the employee and testimony by witnesses called by the City and the employee, with both parties having the right to cross-examine witnesses and make closing statements.
- ii. Relevant exhibits may be introduced by either party and the chair shall take notice of the employee's personnel record.

(F) *City Employees as Witnesses.*

- i. Any employee can be asked to appear as a witness for either party.
- ii. It shall be the duty of an employee requested to testify to do so as to any facts which may be relevant to the appeal.

3. Post-Hearing Rules and Procedure.

- (A) The delegate(s) shall deliberate, prepare and forward written findings and recommendations to the City Administrator within ten (10) working days after the close of the hearing.
- (B) The City Administrator shall mail his or her decision to the employee within ten (10) working days following the receipt of the findings and recommendations from the delegate(s).
- (C) If the City Administrator has heard the appeal, he or she shall mail a written decision to the employee within ten (10) working days after the close of the hearing.

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¶

5-1. The Plan.¶

¶

A position classification and compensation plan based upon and graded according to assigned work duties and responsibilities, merit and performance shall be developed and maintained by the City Administrator, or his delegate to provide standardization and the proper classification of all positions.¶

¶

5-2. Purpose.¶

¶

The classification plan shall be used.¶

¶

(1) To provide like pay for like work;¶

¶

(2) To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes;¶

¶

(3) To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions;¶

¶

(4) To provide a basis for developing standards of work performance; (5) To establish lines of promotional opportunity;¶

(6) To indicate employee training needs and development potentials; (7) To provide uniform and meaningful titles for all applicable positions;¶

(8) To provide the fundamental basis of the compensation program and other aspects of the personnel program;¶

¶

(9) To provide a level of compensation that will allow the City to compete in the job market with other private and public employers in the area.¶

¶

5-3. Administration of the Plan.¶

¶

The City Administrator, or his delegate shall conduct position classification and compensation studies at such times as he deems necessary, when the duties and responsibilities of existing positions have undergone significant change, when new positions are to be established or upon request of the Board of Aldermen, Department Head or affected employee.¶

¶

5-4. Classification of Positions.¶

¶

Each position in the classified service shall be classified at the direction of the City Administrator, or his delegate.¶

5-5. Position Descriptions.¶

¶

The City shall maintain a master set of all approved position descriptions which shall constitute the official position descriptions of the position classification plan.¶

¶

Such position descriptions shall be open for inspection in the office of the human resources by the public under reasonable conditions during regular business

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5. VIOLENCE IN THE WORKPLACE.

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5-1. Purpose.

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

5-2. Definitions.

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The following words, terms, and phrases, when used in this article, shall have the meanings set out in this section, unless the context clearly indicates otherwise:

Harassment. Conduct that is unwelcome and may create an intimidating, hostile or offensive work environment.

Intimidation. Actions that are intended to influence another's behavior by use of fear.

Physical attack. Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, biting, spitting, and throwing objects.

Property damage. Intentional damage to property, which includes property owned by the City, employees, citizens or other persons.

Threat. The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard as to whether the party communicating the threat has the present ability to carry it out and without regard as to whether the expression is contingent, conditional or future.

Workplace violence. Includes but is not limited to harassment, intimidation, threats, physical attack or property damage.

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5-3. Prohibited Actions.

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- (a) 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 law enforcement agency policies.
- (b) No employee or third party, excluding law enforcement personnel is permitted to bring weapons or firearms into the workplace, ~~or onto the City's property,~~ or within City vehicles.
- (c) Any person who poses a threat to himself or others shall be removed from the premises and shall remain off City premises pending notification from the respective Department Head, City Administrator or other authorized personnel.
- (d) The City will initiate an appropriate response that may include, but is not limited to, reassignment of job duties, suspension or termination of employment, suspension and/or termination of any business relationship, and/or criminal prosecution of the person or persons involved.

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~~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 law enforcement agency policies, and for EMS personnel acting within department policy and protocols, and within the line of duty.~~

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5-4. Employer Responsibilities.

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- (a) The City will issue a copy of this policy to all employees. This policy will be provided to new employees during orientation.
- (b) The City shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (c) The City understands the sensitivity and confidentiality of the information requested (threats, restraining orders, property damage, harassment, etc.) and recognizes and will respect the privacy of the reporting employee(s) to the extent authorized by law.

5-5. Employee Responsibilities.

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- (a) 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 also 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.
- (b) Any employee having knowledge of workplace violence involving any other employee (as victim or perpetrator) must report such an act to a supervisor immediately. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the episode.
- (c) All 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.
- (d) Employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (e) 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.
- (f) Suggestions for improvements in safety may be channeled through supervisors, the Department Head or Human Resource Manager.

5-6. Implementation.

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Managing a potentially violent situation:

- (1) Employees are expected to assist the general public and fellow employees in a courteous manner, but not subject themselves to abusive conduct if:
 - (A) Confronted by a distraught, harassing or abusively angry person. If a person becomes angry or abusive, the employee should courteously attempt to calm the person down. If that does not work, the employee shall ask a supervisor to intervene.

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- (B) Confronted by a person threatening bodily harm. 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 supervisor is not aware of the situation, the employee must notify the supervisor as soon as it can be done safely.

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- (2) Employees who work in the community are at higher risk of workplace violence.
 - (A) Uniformed officers should always wear bullet-proof vests while on duty.
 - (B) If practicable, field employees will be issued a form of communication, such as cellular phones or radios.
 - (C) Employees are instructed not to enter any location if they feel unsafe unless it is necessary.
 - (D) Employees should utilize the "buddy system" when appropriate.
 - (E) Non-law enforcement personnel should ask the police for assistance if warranted.
 - (F) Require field staff should keep a contact person informed of their location.

5-7. Reporting Incidents.

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- (a) Each incident of violent behavior, whether committed by another employee or an external individual, must be reported to a supervisor or Department Head. The incident will be assessed and investigated and the Department Head shall determine the appropriate action to be taken. The Human Resource Manager must be informed of all reported incidents of workplace violence.
- (b) 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.

5-8. Conclusion.

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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 Human Resource Manager.

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6. SUBSTANCE ABUSE.

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6-1. Statement of Purpose.

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The purpose of this policy is to set consistent and clear-cut guidelines for the handling of substance abuse cases involving City employees. Through implementation of this policy, the City intends to provide a drug/alcohol-free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. It is the intent of this policy to approach substance abuse from the point of view that drug and alcohol dependencies are medical and behavioral problems which can and must be treated. In appropriate cases, disciplinary action will be taken in accordance with the provisions of this policy and the disciplinary policy. Nothing in this policy is intended nor shall be construed as a limitation on the power and authority of the City to take disciplinary action under any applicable provision of the disciplinary policy.

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Responsibility of the employee. It is the individual responsibility of each employee and applicant for employment to read, understand and abide by the provisions of this policy. Any questions you have about the application of this policy may be directed to supervisory personnel within your own department or to the Human Resource department.

Employees with substance abuse problems must understand that they are personally responsible for seeking evaluation and undertaking rehabilitation. The City encourages such employees to seek help through the employee assistance program, which will be administered in a manner to provide confidentiality for those who seek treatment. Any employee who is aware that he is dependent upon alcohol or drugs and who either voluntarily admits his dependency to his departmental supervisor or voluntarily seeks treatment through the employee assistance program for his problem shall not be subject to discipline for having admitted that he has such a problem, nor for seeking treatment for such a problem.

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Those employees who conceal substance abuse problems from supervisors and do not voluntarily seek help through the employee assistance program place their employment with the City in jeopardy. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct either on or off duty, or causes the employee to become involved in criminal activity or proceedings, the employee will be subject to formal discipline as prescribed in this policy and in accordance with the disciplinary policy.

Employees who are ordered by supervisory personnel to seek treatment for substance abuse problems through the employee assistance program may also be subject to formal discipline for actions which are in violation of this policy.

Responsibility of the City of Raytown. Management for the City recognizes that cooperation between employees and management is essential in dealing with the problems caused by substance abuse. The official policy of the City shall be to encourage and assist City employees in voluntarily seeking treatment for substance abuse problems through the employee assistance program. In appropriate cases, as an alternative to or in conjunction with formal disciplinary proceedings, an employee may be ordered to seek assistance for substance abuse problems through the employee assistance program. The employee assistance program will be administered in accordance with the specific provisions set out in subsequent sections of this policy.

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6-2. Application of this Policy; Definitions.

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The provisions of this policy shall apply to all employees of the City and to all applicants for positions with the City. The City shall apply this policy in a manner which is consistent with its obligations under state and federal law.

The terms "controlled substance", "deliver," "drug", "drug paraphernalia", and "manufacture" as used herein, shall have the same meanings as set out in Chapter 195, RSMo. The terms "controlled substance" and "drug" as used herein shall in all instances include prescription drugs, unless specifically excluded.

The term "drug test" shall refer to a urinalysis or other alternative test, consisting of an initial screening test followed by a confirmatory test in the event the results of an initial screening test are positive.

The term "alcohol test" shall refer to testing of a sample of breath or blood to determine the percentage by weight of alcohol in the blood of the tested subject.

"Intoxicants" shall include any beverage or substance containing alcohol for human consumption.

"Public safety position" shall include all positions falling within the following categories:

(a) law enforcement officers; (b) jail detention officers.

"Public health position" shall include all health services positions in which the job duties require an employee to: deliver or assist in the delivery of hands-on diagnosis or treatment of patients; operate, repair, maintain, or sterilize equipment used in the delivery of health care services; prepare, dispense, stock, or otherwise handle prescription drugs.

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"Equipment handling position" shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment such as dump trucks, solid waste packer trucks, tractors, bulldozers, earth scrapers, road graders, large backhoes, front end loaders, street sweepers, tank trucks, or any other type of heavy duty self-propelled equipment, excluding automobiles and pickup trucks.

"Reasonable suspicion" shall refer to a suspicion based upon objective facts and circumstances from which an ordinarily careful and prudent supervisor could conclude that an individual is in possession of or under the influence of drugs or alcohol while on City property or while on duty. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to: (a) a pattern of abnormal or erratic behavior while on duty; (b) information provided by a reliable and credible source; (c) direct observation of drug or alcohol possession or use; (d) presence of the physical symptoms of drug or alcohol use; such as glassy or bloodshot eyes, odor of intoxicants on breath, slurred speech, poor balance, poor coordination, or impaired reflexes; (e) an admission of possession or use of drugs or alcohol by the employee.

"Employee" means a person appointed to a position in the municipal service for which he is compensated on a full-time or part-time basis. The term employee refers to both male and female employees, and the use of the pronouns "he" and "his" in this policy shall in all instances be read to refer to both male and female employees.

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6.3. Prohibited Acts and Disciplinary Actions.

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(a) *Grounds for disciplinary action or denial of employment.* Applicants for employment may be denied employment, and employees may be subject to disciplinary action, up to and including dismissal from employment, for commission of any of the following acts:

- (1) Reporting for work, performing work, or applying for work while under the influence of illegal drugs, prescription drugs, or intoxicants;
- (2) Using, selling, possessing, manufacturing, or delivering controlled substances or drug paraphernalia at any time or place except as authorized by law, whether on or off duty;
- (3) Consuming intoxicants while on duty, or possessing intoxicants on City property with the intent to consume them while on duty, except in cases where such consumption is permitted or required in the line of duty;
- (4) Providing or selling intoxicants to any other person while on duty, except in cases where such activity is permitted or required in the line of duty;
- (5) Testing positive for the presence of drugs or alcohol following completion of testing procedures authorized by Section 7 of this policy;
- (6) Failing or refusing to submit to a test sample within two (2) hours after the time a request for a test sample was made, causing or attempting to cause the adulteration of a test sample, submitting or attempting to submit a false test sample, or otherwise obstructing the process of testing for the presence of drugs or alcohol.

(b) *Termination specifically authorized; when.* Termination of an employee shall be specifically authorized when:

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- (1) The employee has sold or attempted to sell controlled substances, whether on or off duty;
- (2) The employee has possessed or has manufactured a controlled substance under circumstances that create a reasonable inference that the employee intended to sell the controlled substance, whether on or off duty;
- (3) The employee has used, or has been found to be [in] unauthorized possession of, illegal drugs while on duty; or the employee has been found to be on duty while under the influence of illegal drugs, prescription drugs, or intoxicants;
- (4) The employee has failed or refused to submit a test sample within two (2) hours after the time a request for a test sample was made, has caused or attempted to cause the adulteration of a test sample, or has submitted or attempted to submit a false test sample following a request for submission of a test sample.
- (5) The employee has previously been ordered by the appointing authority to seek treatment for a substance abuse problem through the employee assistance program or any treatment facility, and has subsequently committed a new offense involving substance abuse which would constitute grounds for discipline under the provisions of this policy.

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- (c) *Disciplinary action shall be independent of all other proceedings.* Disciplinary action which may be undertaken pursuant to this policy and the provisions of the disciplinary policy shall constitute an independent administrative action against the employee involved, and shall not be dependent upon or controlled in any manner by any other civil, administrative, or criminal proceedings which are or may be instituted against the employee.

6.4. Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances Will Be Tested for.

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- (a) Pre-employment testing. Effective as of the date of the adoption of this policy:
- (1) A copy of this policy shall be provided to each applicant for employment, who shall sign and date the attached "Receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing" form, which shall then be made a permanent part of the applicant's file. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.
 - (2) All applicants shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the testing procedures herein set out, except that City employees who apply for such positions and who have successfully completed testing as a condition of employment with the City shall not be subject to retesting under this subsection. Those applicants subject to mandatory testing who are conditionally appointed to a public safety, public health, or equipment handling position with the City shall be required to undergo drug testing within the fourteen (14) days following their conditional appointment to a position. The mandatory testing provisions of this subsection shall not apply to the promotion or transfer of a public safety, public health, or equipment handling employee within his own department.
 - (3) Applicants who test positive for the presence of drugs or alcohol may be denied employment.
- (b) *Testing of current employees.* Effective as of the date of the adoption of this policy:
- (1) A copy of this policy shall be provided to every City employee, and each employee shall be required to sign and date the attached receipt form, which shall then be made a permanent part of the employee's personnel file. This form shall be competent evidence in any subsequent proceedings that the employee has received notice of the provisions of this policy.
 - (2) All current City employees shall be subject to testing for the presence of drugs, including prescription drugs, and alcohol upon reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A request for the testing of an employee may be initiated by any supervisor who has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. Testing shall be authorized if the request is approved by the highest ranking departmental supervisor available to review the request for testing. Those supervisors with authority to approve a request for testing include Department Heads, assistant Department Heads and division heads; and police majors.

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- (3) An employee who has been ordered to seek treatment for a substance abuse problem through the employee assistant program shall be subject to random testing for the presence of drugs or alcohol during the twelve-month period following the date of the notice of referral to the EAP.
 - (4) An employee who is injured in **an accident or suffers a work-related illness during** the course of work shall be tested for the presence of drugs and alcohol. **Please note: A drug-screen is required for any workers' compensation claim in which the employee wishes to be made whole by the City. Claims without a drug screen will be processed as required by Missouri Statute.**
 - (5) An employee who is involved in a property damage or personal damage accident while on duty shall be tested for the presence of drugs and alcohol.
- (c) *Substances to be tested for.* Testing may be administered to detect the presence and concentration of any substance which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect. Those substances may include, but are not limited to: alcohol, amphetamines/methamphetamines ("speed"), barbiturates ("downers"), benzodiazepines (tranquilizers, such as valium and librium), cannabinoids (marijuana, hashish), cocaine methadone methaqualone (quaaludes), opiates (codeine, heroin, morphine), phencyclidine (PCP, "angel dust"), and propoxyphene (darvon). Drugs not otherwise listed may be tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer's specifications for the particular test kit or method to be used.

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6-5. Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program.

- (a) *The testing agency.* Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice. All testing shall be performed in accordance with accepted scientific standards. Due care shall be taken by the testing agency to respect the dignity and privacy of individuals required to give test samples. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The testing agency shall be required to retain unused portions of each test sample that has initially shown a positive result for the presence of drugs or alcohol in order that additional testing may be performed on the sample on behalf of the tested employee.
- (b) *Confidentiality of testing information.* All information regarding the testing of applicants and employees shall be confidential. Laboratory reports and test results shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential medical folder that will be securely kept under the control of the Human Resource Manager who is authorized to release the contents of the confidential medical folder only on a strict need-to-know basis to management-level members of the staff of the personnel office, the law department, and the employee's department; to the Board of Aldermen upon request of the Board; and to the tested employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.

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(c) *Confirmation of test results.* A test sample which initially yields a positive result shall be tested a second time using a gas chromatography/mass spectrophotometry (GC/MS) test. If the second test confirms the initial positive test result, the employee or applicant shall be notified of the results in writing. The notification shall identify the particular substance or substances found, and shall specify the concentration level. An employee or applicant whose second test confirms the original positive test result may, at his own expense, have additional testing conducted on the original test sample at a qualified laboratory of his own choosing.

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(d) *Consequences of a confirmed positive test result.*

- (1) *Job applicants.* Job applicants will be denied employment with the City if an initial positive test result has been confirmed by the GC/MS test.
- (2) *Current employees.* An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response shall include, but are not limited to: (a) the employee's work history, including length of employment, current level of job performance, past disciplinary actions imposed, including a consideration of whether the employee has been previously disciplined or referred to treatment for substance abuse problems; (b) the job classification of the employee; (c) the specific circumstances which caused the testing to be required, including a consideration of whether the employee's actions caused injury to property or to any person, or created an unreasonable risk of injury to property or to any person; (d) previous efforts on the part of the employee to deal with his substance abuse problem; and (e) the degree to which continued employment of the individual would either enhance or impair the ability of the affected City department to deliver safe and efficient service to the community, including a consideration of whether public trust and confidence in the City service would be adversely affected.

(e) *Mandatory referral to the employee assistance program.* As an alternative to or in conjunction with formal disciplinary proceedings which may be instituted against an employee for a violation of the provisions of this policy, an employee may be ordered to seek assistance for a substance abuse problem through the employee assistance program. The appointing authority is authorized, in appropriate cases, to suspend the imposition of formal discipline (dismissal, demotion, reduction in compensation, suspension without pay) for a period not to exceed one (1) year, pending the successful completion of assessment, counseling, and rehabilitation by the employee. Written notice of mandatory referral to the employee assistance program shall be given to the employee.

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In the event the employee does not complete assessment, counseling, or rehabilitation, the appointing authority may, within the one-year period following the date of written notice of mandatory referral to the EAP, impose such formal discipline as is authorized under this policy and the disciplinary policy for the offense involved. No formal discipline may be imposed for the underlying offense more than one (1) year after notice of mandatory referral to the EAP.

(f) *Expungement of drug and alcohol testing records.* Upon written request by the tested employee, all records relating to a request for and the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the testing were negative; provided, that if the employee who has been tested files an appeal, the records shall be preserved until the conclusion of all proceedings arising out of the appeal. This subsection shall not apply to pre-employment testing authorized under this policy, and the results of pre-employment testing shall remain a permanent part of an employee's

file.

6.6. Employee Assistance Program.

- (a) *Administration of the EAP.* The employee assistance program will be administered by the Human Resource department. The Human Resource Manager shall develop necessary procedures to maintain confidentiality of records and to ensure that the functions of the employee assistance program are properly carried out.
- (b) *Functions of the EAP.* The employee assistance program will function primarily as an intake and referral service for those employees who have either voluntarily sought help for substance abuse problems or who have been directed by the appointing authority to seek assistance through the program. The Human Resource Manager will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment services, programs, and institutions in the community. The Human Resource Manager will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of employee health care or other applicable benefit plans, including use of leave time.
- (c) *Employee use of leave time while seeking and receiving treatment through the EAP.* Employees who are receiving treatment for substance abuse problems through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave and vacation time, and compensatory time. Should an employee who is receiving treatment through the EAP prefer to take a leave of absence without pay rather than utilize accumulated leave time; or should an employee exhaust all available leave time prior to receiving medical clearance to return to his work duties, the employee may request a leave of absence without pay, in accordance with the leave of absence and benefits policy. Such a request will be considered in light of all the circumstances of the case, including but not limited to the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his substance abuse problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such cases.

(d) *EAP records to be held in confidence.* All information regarding mandatory referrals to the employee assistance program shall be confidential. Records of EAP shall not be placed in an employee's general personnel file, but shall be kept in a separate, confidential folder that will be securely kept by the Human Resource Manager. The Human Resource Manager is authorized to release the contents of the confidential folder only on a strict need-to-know basis to management-level members of the staff of the law department, the Human Resource office, and the employee's department; to the whole Board of Aldermen upon request of the Board; and to the employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.

6.7. Appeal Rights.

An employee who receives formal discipline (dismissal, suspension without pay, demotion, reduction in compensation) for violation of the provisions of this policy is entitled to the appeal rights granted in the review policy, if applicable.

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6-8. Statement of Intent to Comply with the Requirements of the Drug-Free Workplace Act.

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In addition to the provisions stated in the text of the substance abuse policy of the City, and in accordance with the requirements placed on the City by the provisions of the Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, all employees of every department of the City are hereby notified as follows:

- (a) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about, or within any property which is owned, leased, operated, used, maintained or occupied by the City of Raytown, Missouri, as a vehicle or site for the performance of work done in connection with a specific federal grant. Employees who violate this prohibition will be subject to disciplinary action up to and including termination; or mandatory referral for substance abuse assessment, counseling, and rehabilitation; or a combination of these actions, in accordance with the provisions of the substance abuse policy of the City.
- (b) In furtherance of the City's obligation to provide a drug-free workplace, the Human Resource Manager shall establish a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The City's policy of maintaining a drug-free workplace;
 - (3) Available sources for drug counseling, rehabilitation, an employee assistance program for substance abuse problems; and
 - (4) The penalties which may be imposed on employees who commit drug abuse violations in the workplace.
- (c) Every employee who is engaged in the performance of any work connected with a federal grant shall be provided with a copy of this statement and of the substance abuse policy of the City.
- (d) Every employee who is engaged in the performance of any work connected with a federal grant shall, as a condition of employment under the grant:
 - (1) Abide by the terms of this statement and of the substance abuse policy of the City;
 - (2) Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (e) The City will notify the federal agency through which a grant is administered within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

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- (f) The City will take one (1) or more of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Impose appropriate personnel action against such an employee, up to and including termination;
 - (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

- (g) The City will make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of this statement and of the substance abuse policy of the City.

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Appendix

CITY OF RAYTOWN

POLICY MANUAL

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Cellular Phone Allowance	Board of Aldermen	July 1, 2012	12-21-2016

I the undersigned employee make a formal request to receive the cellular phone allowance authorized by policy as reimbursement for utilizing my personal cellular phone for city purposes instead of utilizing a city owned phone. I have received and read the cellular phone allowance policy and agree to abide by all rules and regulations required within said policy.

Employee

Date

Department Head

Date

City Administrator

Date

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Cellular Phone Allowance	Board of Aldermen	July 1, 2012	12-21-2016

POLICY STATEMENT:

For those employees required to carry a cell phone for City of Raytown, Missouri (hereinafter "City") business the City will offer the option to either carry a City-issued phone or receive a phone allowance of \$40 per month, at the discretion of the Department Head.

If the employee chooses to receive the phone allowance they will be required to carry their personnel phone during work hours and at other times as deemed necessary by their supervisor. It will also be the responsibility of the employee to ensure that the appropriate City staff is aware of the phone number and that the contact information is kept current. Any employee that receives the cell phone allowance that fails to maintain their personal service will be required to reimburse the city for the months the service is inactive and may be subject to disciplinary action. There will be no requirement to track or submit personal versus city usage as the reimbursement will be a flat \$40 regardless of usage.

If the employee chooses to utilize a City-issued phone, they may be responsible for any damage or lost phones or accessories. The employee will be required to reimburse the City for any non-work-related charges on the monthly bill.

Employees may change their preference of a City-issued phone versus using their personal phone only once every two years.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Use of City-Owned/Leased Vehicles	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

City-owned vehicles are to be used for official City business only. Assignments of City vehicles are subject to the approval of the City Administrator.

Vehicles cannot be used to transport other family members or to attend to personal errands. Passengers in City vehicles are allowed when their presence relates to City business.

Exceptions to this policy may be made with approval by the City Administrator.

Mileage from Home to Work in City Vehicles. The use of a City vehicle to commute to and from work is considered a taxable benefit per IRS guidelines. For tax purposes, those employees authorized to take a City vehicle home will be taxed based on IRS regulation 26 CFR 1.274-5. This tax will be calculated each payroll. (Subject to change with IRS regulations.)

Responsibility of Drivers. Employees operating City vehicles are expected to practice all safety precautions when utilizing a City vehicle. Any employee operating a City vehicle must have an applicable valid driver's license which must be on or accompanying the employee when driving such a vehicle. Seat belts shall be worn by all City employees and passengers while operating or riding in a City vehicle in accordance with State Statutes. Employees may not write, send or read written communications on their wireless communication device while driving. This prohibition includes, but is not limited to, text messages, instant messages, and electronic mail. Failure to comply with these policies may subject the employee to disciplinary action up to and including termination.

Accidents Involving City owned Vehicles. If an employee has an accident while operating a City-owned vehicle which results in personal injury or property damage, the employee shall notify the Police Department immediately and then notify his supervisor. This should be done regardless of how minor the accident appears. The employee shall insist that all parties and property concerned remain at the scene of the accident until police officers can investigate the incident. The employee shall take a mandatory drug test within two hours of an accident involving a City-owned or leased vehicle. Supervisors shall report all accidents to the City Clerk.

Commented [E&J92]: This may not be practically possible depending on how the other party responds. Recommend softening language.

Use of Private Vehicles for City Business. If employees are required to use a personal car in the performance of official duties for the City, they may receive a mileage rate as established by the Internal Revenue Service. Expenses for mileage must be submitted to and approved by the employee's Department Head or the City Administrator in the case of a Department Head. Personal injuries may be covered under the Workers' Compensation program; however, damage to personal property is not covered or reimbursed by the City. Adequate auto insurance is required and documentation of coverage may be requested at any time.

Driver License Reviews. The City reserves the right to annually review the driving record of all employees who are authorized to drive a City vehicle or who receive an automobile allowance and are required by their job description to hold a valid driver's license. This screening takes place in order to protect the City and its citizens from liability in the event that a City employee has an accident and someone is injured or property is damaged and to help ensure accountability and responsibility for safe driving when public funds are involved.

CITY OF RAYTOWN**POLICY MANUAL**

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Electronic Communication and Internet Usage	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

The City recognizes that use of the Internet has many benefits and can make communication more efficient and effective; therefore, employees are encouraged to use the Internet appropriately. Generally, e-mail is not private or confidential. All electronic communications are property of the City of Raytown, Missouri (hereinafter "City"), and the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so do not assume that others cannot read, or possibly alter, your messages. Bear in mind that internal and external e-mail messages may be considered business records subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On-Call Policy	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The on-call period will start at a day and time as determined by each department.

The on-call period for each day in which the staff member is to be on standby, but has worked a regular shift, will begin immediately upon the end of said regular shift.

Hourly staff that carry a cell phone or pager for the purpose of responding to after-hours calls (on-call) shall be paid one (1) dollar per-hour standby pay for each hour they are on standby and not on regular paid status. This paragraph does not apply to personnel in the police department

Commented [m93]: With this exclusion, the Police department can further address on-call policy through departmental policy.

When called and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.

When called and the need to respond to work is confirmed, the on-call employee shall remain on standby status until they have reported to their regular location of work or the call location, as determined by each department. When the on-call employee has reported for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.

Overtime pay will not take effect until the employee has worked the required forty (40) hours in a single work week, including any calls out. Standby pay, vacation, sick leave, and holiday pay do not count toward the overtime threshold.

Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls out. Standby pay, vacation, sick leave and holiday pay do not count toward the overtime threshold.

The following exceptions to the rules above apply as follows:

- (1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.
- (2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.
- (3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.
- (4) Standby pay ends when either a callout begins or the employee is otherwise on the clock (paid status). Total pay may not exceed twenty-four (24) hours of standby and paid status in a twenty-four (24) hour period.

No individual shall be on-call for more than two consecutive weeks without at least a one-week break.

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The person on-call shall return any call or page within fifteen (15) minutes.

The person on-call shall, if called out, report for duty within one (1) hour.

The on-call team shall maintain the ability to report to work without impairment during the entire length of the tour of duty.

It shall be the discretion of each department and its Department Head thereof to determine what constitutes a call that requires a person to report for duty. Every person who may be on-call shall know the calls for which they must respond back to work according to their department policies.

In the case of an injury accident involving a City vehicle or equipment or other property damage, a supervisor must be called and respond to the scene **if possible**.

Commented [m94]: No legal liability.

In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.

When there is a real probability that the media may try to interview the on-call employee, all questions shall be directed to the supervisor and/or Department Head **or his/her designee (example: Public Information Officer)**

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SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On-Call Policy–Police Department	Board of Aldermen	Jan 1, 2017	12-21-20

Commented [m96]: This policy should be contained in the Raytown Police Department Policy Manual and not the Employee Manual distributed to all City personnel.

POLICY STATEMENT:

The on-call period for personnel will begin immediately upon the end of said regular shift or as designated by the appropriate call rotation schedule.

When on-call personnel are contacted and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.

When the on-call employee has been called to report for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.

Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls out. Vacation, sick leave and holiday pay do not count toward the overtime threshold.

The following exceptions to the rules above apply as follows:

- (1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.
- (2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.
- (3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.
- (4) Work duties that occur outside of an employee's regular work day, but are not initiated by a call-out, will be compensated for the actual time worked.
- (5) The above listed compensation rules shall also apply to personnel who respond to an emergency call-out who are not the primary on-call personnel (Investigations, crisis negotiation, SWAT, PIO, etc).

The person on-call shall return any call or page within fifteen (15) minutes. The person on-call shall, if called out, report for duty within one (1) hour.

On-call personnel shall maintain the ability to report to work without impairment during the entire length of the on-call period.

Initiation of a call out is defined by applicable Department policy.

In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.

When there is a real probability that the media may try to interview the on-call employee, all questions shall be handled in accordance with Department policy 5.000.

Commented [m97]: This policy should be contained in the Raytown Police Department Policy Manual.

CITY OF RAYTOWN**POLICY MANUAL**

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Overtime Policy	Board of Aldermen	Dec. 21, 2016	12-21-2016

POLICY STATEMENT:

The Department Head **and/or his designee** shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and work period. However, occasionally, some overtime work may be necessary. It is the responsibility of the Department Head to determine the need for overtime in order to adequately serve the public and to require employees to perform work in excess of the regular work hours. It is also the responsibility of the Department Head to limit overtime by proper staffing, scheduling, and manpower utilization. All overtime arrangements shall be approved by the Department Head.

In accordance with the Fair Labor Standards Act, the City's Department Heads are executive employees and, as such, are not entitled to overtime pay.

An employee shall accrue overtime as provided by the Fair Labor Standards Act, as amended from time to time.

Commented [m98]: Suggest adding additional information.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Take home On-Call City owned vehicles	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

The use of City-owned vehicles shall be authorized for take home by command staff and those employees that are on an "on-call" status. The primary purpose of the vehicles shall be to facilitate an accelerated response to critical incidents, investigation of a major crime, or response for any City related after hours call out. Giving these employees the ability to respond and to be equipped with the necessary equipment can expedite response to emergency call outs. It will be at the discretion of the Department Head as to whether or not an employee's on-call status merits the issuance of a City take-home vehicle. All City-owned vehicles authorized for take-home usage ~~will~~ may be equipped with GPS tracking devices to allow tracking by the City should the need arise.

When an employee uses a vehicle as an on-call vehicle, that employee shall ensure that the vehicle is loaded with all of the equipment that they could reasonable foresee will be needed to respond to their specific call-out status. All gear and/or weapons will be secured within the capabilities of the vehicle being used.

Due to the vehicles being loaded with sensitive gear and/or weapons, it is preferred that, while not in use, the vehicles be secured in a garage at the employee's residence.

It is recognized that the vehicle may be needed to conduct reasonable tasks that are not directly work related. This might include trips to a pharmacy, grocery store, etc. Such use will be authorized as long as the destinations are a relatively short distance from the employee's residence or during commutes to/from work. All equipment shall be properly secured while the vehicle is used in such manner. Passengers in take home vehicles are subject to the same restrictions outlined in the City policy on vehicle usage.

When using a City owned vehicle to respond to an incident in an emergency capacity, the employee shall follow all laws, rules and regulations that govern the operation of an emergency vehicle.

CITY OF RAYTOWN

POLICY MANUAL

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Time Clock Policy	Board of Aldermen	Dec. 1, 2013	12-21-2016

Commented [m99]: No legal liability with removing this policy; however, Federal wage and hour laws can create liability for the City for not keeping accurate time of nonexempt employees. Whether it is a time clock or through other means, it is imperative to keep accurate time of non-exempt personnel. This is a policy decision for the City.

POLICY STATEMENT:

~~All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in/out for payroll and attendance purposes. The time clock records will be used to track attendance for the exempt employee.~~

~~Employees are required to clock in/out at the time clock located in their department using their time clock badge or from their city computer. If there is a problem with the time clock, the employee should notify the supervisor and the supervisor will manually clock the employee in.~~

~~Employees should clock in no sooner than 10 minutes before the scheduled shift and clock out no later than 10 minutes after the scheduled shift. Nonexempt office employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day. Those employees who are not provided a lunch break or those who work in the field will follow the policy of their assigned departments for lunch breaks. Nonexempt employees are not permitted to perform any work while not clocked in.~~

~~If the employee misses an entry into the timekeeping system, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours via the manager time clock portal. Employees who consistently miss time clock entries will be subject to disciplinary action.~~

~~Nonexempt employees are permitted to work overtime with prior authorization from the supervisor. Overtime includes clocking in early, late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.~~

~~Employees may not use another employee's badge to clock in or clock in for another employee. Employees who have lost a badge will report the lost badge to the facilities and payroll departments. The employee will be issued a new badge with the same employee and department numbers. A new code will be assigned to the new badge. Payroll will notify each department of new badge codes each pay period.~~

~~Supervisors are free to use discretion in disciplinary actions when employees violate the time keeping policy and/or procedure. This could include situations where employees may have clocked in, but are repeatedly absent from their work station during work hours or have missed time clock entries in addition to working unscheduled overtime.~~

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Travel Policy	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

- (1) Travel authorization for out-of-town trips must be approved by the City Administrator's Office and the department and/or division head prior to the commencement of a trip. An exception is made in the case of emergency vehicles leaving the City for purposes of an emergency response. Out-of-town trips shall be trips outside the 22 county Kansas City Combined Statistical Area for City business purposes. Prior approval is not required by the City Administrator's Office for day travel.
- (2) No expense voucher for out-of-town travel will be paid by the Finance Department without proper travel authorization. Furthermore, failure to receive the authorization may lead to disciplinary action against any employee, including a department and/or division head.
- (3) The purposes for the Travel Request and Expense Statement are as follows:
 - i. Documentation of permission granted to have a City vehicle outside of the 22 county Kansas City Combined Statistical Area.
 - ii. Documentation of City employees attending to City business outside of the 22 county Kansas City Combined Statistical Area.
 - iii. Review of the business purpose for City employees outside of the 22 county Kansas City Combined Statistical Area.
 - iv. An advance notice of availability of funds for a particular line item in the budget to ascertain whether budgeted funds are available for employees to travel outside the 22 county Kansas City Combined Statistical Area.
- (4) No Travel Request form is required for day travel where no reimbursement is requested. For day travel where reimbursement is requested, the Travel Request portion of the statement may be submitted to the City Administrator's office after the approval of the department head and after the travel has been completed. In all other cases, the completed statement must be submitted through the Finance Department for review of the budget expenditure(s). This is done so that, prior to the City Administrator's authorization, it can be ascertained that sufficient budget resources exist for employees to travel outside of the City for their particular purpose and that there has not been a mistake made by the division or department head, or the employee, in preparing the travel statement.
- (5) In the event an employee travels in-state or out-of-state on a scheduled airline, travel must be the most economical available. Rental or charter aircraft may be allowed if determined by the City Administrator to be of benefit to the City. In no event will the City pay for first class travel unless no other method of transportation is available and prior approval from the City Administrator is received.

- (6) Elected officials and employees should reasonably limit the payment of or reimbursements for actual and necessary expenditures for travel and subsistence for attendance at duly authorized conventions, seminars and programs at which they are scheduled to attend or participate. All means of travel and accommodations shall be at the lowest reasonable and appropriate class or rate available under the circumstances. If equivalent local or in-state programs are available, such programs shall be utilized. The expenditure of public money for alcoholic beverages shall be prohibited.
- (7) If an attendee arrives more than one day prior to any meeting or conference, or extends an out-of-town stay for personal reasons, the expenses associated with such extra time are considered personal and are not reimbursable by the City. Extending an out-of-town stay for personal reasons when an employee is using a City vehicle is not permitted. Extending an out-of-town stay for more than one day prior to or after a meeting or conference is permitted if lower airfare can be obtained with the extension, but approval from the department head and City Administrator must be obtained prior to finalizing such arrangements. The only exceptions to an out-of-town stay being extended are in the case of illness, acts of nature, accident, or injury to the employee, which would preclude the employee's immediate return to the City. In any event, the City should be notified of such an occurrence.
- (8) Use of City Vehicles. The City provides vehicles to certain employees to perform their daily functions, and these vehicles will be used for travel when necessary. For City employees not furnished vehicles, the City has a pool car available which may be used unless the car is unavailable. If a City vehicle is not available, the Department Head may authorize the use of a personal vehicle by the employee, in which case the City will reimburse the employee at the IRS approved mileage rate to the meeting site and back using the shortest route possible. The employee will be required to obtain exact mileage information from a web site travel navigator such as Google Map, or Bing Maps and Directions. This identified mileage estimate will be strictly adhered to when reimbursement is calculated.
- (9) Any employee utilizing their personal car must maintain appropriate liability insurance.
- (10) If an employee is required to attend an out-of-town meeting or conference, the time spent traveling is counted as "hours worked". Traveling to and from the work site and regular meal period times are not counted as "hours worked". Department heads and supervisors may use flexible time schedules throughout the week in which an employee travels in order to eliminate the need to pay overtime.
- (11) City vehicles are to be used for City business purposes for travel outside the City. Passengers in City vehicles should include only the following (unless prior written approval from the City Administrator is received under special circumstances):
- i. City Employees;
 - ii. City Board Members;
 - iii. Participants in City programs (i.e., City sponsored committees, etc.); and
 - iv. Personnel from other governmental agencies who may be attending the same meeting.

Note: In the event other governmental personnel or other individuals attending the same meeting, as previously indicated, they may "car pool" with City of Raytown personnel to that meeting. It should be determined prior to any request for travel whether or not this

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will be occurring and what the policy is of that party or governmental agency to reimburse for mileage, gasoline, and parking. This information should be noted on the travel authorization. However, the City will not prohibit car-pooling if another agency does not have a provision for reimbursing the City.

- (12) In the event the City employee is utilizing a City vehicle and has a breakdown, and the cost of repairing that breakdown is minimal (such as repairing a fan belt or flat tire, etc.), the employee will be reimbursed upon presenting a receipt for the repair. In the event of a major breakdown of a City vehicle, the employee should contact the Director of Public Works or their designee who will make arrangements for the repair of that vehicle for the employee. The employee will contact and coordinate with the employee's department head appropriate travel arrangements so that the employee may return or continue the trip.
- (13) Employees utilizing City vehicles or their own vehicle are reminded that deviating from normally traveled routes to and from the meeting site and after arriving at the meeting site may result in the exclusion of 'Workers' Compensation and other insurance coverage. Employees are further reminded of the City's personnel policy regarding the use of drugs and alcohol, which could result in the employee's dismissal.
- (14) All traffic offenses, parking tickets, or other vehicular violations are the responsibility of the employee and will not be paid by the City. Furthermore, such offenses could subject the employee to disciplinary action. Employees are expected to use discretion in the use of City-owned vehicles on out-of-city travel.
- (15) The City will pay registration fees for employees to attend authorized training programs, professional conferences and other city-related meetings and functions. The employee will be responsible for the registration or related fees for any spouse or guest programs associated with a conference for which they wish to participate.
- (16) The City will pay for employee's first attempt to obtain required or volunteer Certification(s) for an employee's position. If the employee fails to successfully obtain the certification, the City will only pay for the travel expense that may be accrued during the retest process. The test fees will be the responsibility of the employee.
- (17) The City will reimburse employees for travel expenses incurred while on City business. Receipts with detail on the purchase/service are required for reimbursement in all cases. In an instance where an employee has made an expenditure and has not received a receipt for his expenditure he will not be reimbursed. Exceptions to this rule will be considered by the City Administrator's Office upon recommendations of the department head approving the travel voucher. This will be done rarely, and only in the case of approval of the department head upon presentation by the employee of satisfactory written explanation of the request for reimbursement without a receipt.
- (18) Any dispute regarding an employee's reimbursement for travel expenses may be discussed with the City Administrator. The City Administrator's decision shall be final and not subject to appeal.
- (19) Any situation where a City employee may travel to a conference or meeting, whether in-state or out-of-state, with their spouse and/or family member, the City will not pay for travel, meals, or incidental expenses for the employee's spouse and/or family member. In the case of lodging, the employee will be required to pay the

verification/documentation of the difference of rates. Exceptions will be granted for extraordinary circumstances such as when an employee may be receiving an award, but only upon prior approval from the City Administrator's Office.

- (20) On in-state or out-of-state travel, the City will cover a reasonable amount for lodging when an employee must be booked into specific lodging for a conference or meeting. All employees should ascertain whether or not government discounts are available and whether or not the hotel or motel involved will direct-bill the City with presentation of a Tax Exemption Certificate. A Tax Exemption Certificate should be obtained from the Finance Director prior to any approved travel out-of-town.
- (21) Whenever possible, the City will request that the hotel/motel bill be charged to an assigned City credit card or direct billed to the City. If neither of the above options are available, the employee will be reimbursed for authorized lodging expenses upon presentation of the required receipts. Department heads shall be responsible for authorizing credit card usage by employees in their department.
- (22) Any employee using a credit card will be personally responsible for any purchases that do not have receipts attached to the credit card statement. Only City-related expenses may be charged on a credit card. Reimbursements to the City for personal expenses or expenses of the spouse will not be allowed. Personal phone calls or other non-covered charges on motel bills should be paid by the employee at check-out time.
- (23) The City employee, in the course of conducting City business or while attending a business meeting will be reimbursed for meal expenses based upon rates published by the GSA for the nearest metropolitan area to the travel destination.
- (24) Employees may either utilize the GSA per diem rate for reimbursement without receipts or utilize a city credit card for actual expenses upon presentation of detailed receipts. If the employee is utilizing a city credit card they must keep all detailed receipts and stay within GSA rates for the area of travel. The IRS Schedule for Per Diem reimbursements will be located on the GSA web site at <http://www.gsa.gov/portal/category/21267> and must be used when calculating the IRS rate for the area in which they are traveling. A copy of the web page showing the allowed rate should be attached to the original request for travel.
- (25) An employee should not pay for meals of others during a trip, unless it is approved by the department head, or appointing authority. The business purpose of the meal and names of guests must be stated on the travel expense report as well as on the back side of the receipt. At no time will the City reimburse expenses for alcoholic beverages.
- (26) Employees will not be reimbursed for meal expenses that have been included as part of conference or meeting registration fees. These meal expenses must be identified on the Travel Request and Reimbursement form with attached copies of registration materials identifying meal(s) scheduled and applicable payment for these meal(s). The maximum meal allowance can be exceeded for reasonable meal expenses integral to conferences and banquets. The City will not be responsible for snacks or beverages not associated with meals.
- (27) An employee that travels out of town two hours prior to a regularly scheduled shift is allowed the daily GSA meals expense for breakfast. An employee that arrives back in town two hours after the end of the scheduled shift is allowed the daily GSA meals expense for dinner. In some unusual or unique instances, department heads shall be responsible for making determination on breakfast or dinner. When a meal is included

in a registration fee or transportation cost or provided as an official function, the above amounts will be deducted from the meal allowance. Therefore, if a continental breakfast is provided at the seminar, no allowance for breakfast will be allowed. An employee departing two hours prior and arriving home two hours after a regularly scheduled shift, with no meal provided as part of the function, will be allowed the full GSA rate per day for meals.

- (28) A 15% tip is allowed in addition to the cost of the meal but included in the meal allowance limit. If the employee chooses to leave a larger tip, the difference will be at the employee's expense. If no tip is granted, tip allowance is not reimbursable. While not always feasible, it is preferable (such as when a credit card is used) to include documentation of the tip.
- (29) If a City employee, acting with discretion and in the interest of City business, purchases a meal for any member of the public, a receipt is also required. Adequate documentation listing the purpose and participants of the setting of the expense should be submitted with the receipt. If such an expense should occur, the amount expended for the guest will not be considered as part of the meal allowance for the employee.
- (30) Foregoing a meal does not allow the employee to accumulate eligible meal allowances. For example: if an employee is eligible for breakfast and lunch, but they elect not to eat breakfast, the employee will only be eligible for the lunch allowance.
- (31) The City will not, under any circumstances, pay for or reimburse employees for the purchase of alcoholic beverages or allow alcohol to be purchased with a City credit card.
- (32) Vehicle rental, parking fees, taxi charges, bus or shuttle fares, turnpike expenses and other similar items will be reimbursed when accompanied by a receipt.
- (33) The City will not be responsible for personal expenses such as personal phone calls, beer/alcoholic beverages, snacks, beverages not associated with meals, laundry services or in-room movies that are either charged to the room or otherwise incurred.
- (34) All employees traveling on City business should be reminded that they are representing the citizens of Raytown, their departments or divisions, and the City of Raytown as a whole. They should conduct themselves in an appropriate and professional manner at all times so as not to bring discredit upon themselves, their departments or divisions, or the City of Raytown.

CITY OF RAYTOWN

POLICY MANUAL

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Tuition Reimbursement Policy	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The City of Raytown, Missouri (hereinafter "City") is committed to providing an incentive for City employees to enhance ~~their knowledge, skills and job performance, and at~~ the same time, increase their value to the City as their employer.

Procedure:

The City provides limited, qualifying tuition reimbursement for college and technical school coursework to City employees pursuant to the following procedures and criteria:

- (1) The employee must submit a written request to his/her department head, prior to enrolling in the class, stating the name of the class, the cost and how it will enhance his/her job performance with the City. The employee also must sign the Employee Educational Tuition/Fees Reimbursement Agreement and Withholding Authorization.
- (2) If approved by the department head, this request will be passed on to the City Administrator. The employee will be notified, in writing, whether the request has been approved or denied by the City Administrator.
- (3) If approved by the City Administrator, the City will reimburse the employee the cost of tuition or enrollment fee upon proof of successful completion of the class and documentation of the paid fees. Successful completion of the class will be determined by a grade of "C" or better in college course work, pass in pass/fail courses, or a certificate designating the successful completion of all requirements set forth by the Technical School.
- (4) Reimbursement shall be limited to one three-hour college course per term, or one technical school course per term. Reimbursement requests will be handled on a first come first served basis while funding is available. **"Term" shall be defined as a college semester or the duration of the single course.**
- (5) The City will not reimburse employees for tuition otherwise paid by grants, scholarships, military education programs or funding from other sources.

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Commented [m100]: No legal liability.

EMPLOYEE EDUCATIONAL TUITION/FEES REIMBURSEMENT AGREEMENT

This Agreement is made this date _____, between the City of Raytown, hereinafter "City" and _____, hereinafter "Employee."

As part of this Agreement, in accordance with the Tuition Reimbursement policy, ~~if termination of employment occurs, either voluntarily or involuntarily, within one year from the date the employee is reimbursed for the class, the employee shall be responsible for reimbursing the City of Raytown the cost of the tuition and/or enrollment fee.~~ **After notice of termination is provided**, by signing this form you are agreeing for the City to deduct the amount owed from any paycheck(s) remaining **up to the limits as provided in the Fair Labor Standards Act (FLSA)** after notice of termination is provided. The employee is responsible for any costs exceeding his/her total paycheck(s). The City reserves the right to charge interest on any unpaid balance from the date the final paycheck is issued. The City shall also be entitled to reimbursement of all costs associated with collection, including attorney's fees as permitted by law.

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Nothing contained in this Agreement shall alter the status of the employee's employment with the City, which is "at will". The employee acknowledges and understands that employment is of no specific duration and can be terminated at any time by either the employee or the City, with or without cause, for any reason or no reason, at any time. The employee acknowledges and agrees that any representations to the contrary are unauthorized and void.

Employee Signature _____
Date

Department Head Signature _____
Date

WITHHOLDING AUTHORIZATION

I, _____, hereby authorize the City of Raytown to withhold from my last paycheck any amount due under the Employee Educational Tuition/Fees Reimbursement Agreement that I entered with the City of Raytown.

DATE RANGE OF CLASS: _____

TITLE OF CLASS: _____

TOTAL COST OF CLASS: \$ _____

I understand that if my employment with the City is terminated, voluntarily or involuntarily, within a year of reimbursement of this class, the amount withheld from my last paycheck(s) will be \$ _____.

Date _____
Employee Signature

Commented [m102]: Duplicative.

Application Form Tuition Reimbursement

Training Institution: _____

Degree/Certification Program (if any): _____

To be eligible for reimbursement, training must be directly related to skills needed by the City.
To which position(s) does this training apply and how will it help improve your performance of
duties and/or personal safety/welfare?

Classes:	Credit Hrs	Cost \$
_____	_____	_____
_____	_____	_____

Class Description(s):

Dates of Enrollment: From: _____ To: _____

I have read and agree to the terms of the City of Raytown Tuition Reimbursement Policy.

Employee Date

Approved:

Department Head Date

City Administrator Date



MIZE HOUSER
COMPANY P.A.

July 26, 2017

Teresa Henry, City Clerk
City of Raytown, Missouri
10000 E. 59th Street
Raytown, MO 64133

Subject: Policy Review

Dear Ms. Henry:

We have reviewed several policies, at the request of the City, and have the following comments regarding the reviewed policies:

Police Policy on City Owned Vehicles

Below is some information on the police use of city vehicles. In addition, I think the police department policy may be too lenient in regards to personal use. We would suggest documenting in the policy that personal use is prohibited other than commuting. While the IRS does say it allows a de minimis amount of personal use the City also needs to consider the budgetary effect of personal use of City vehicles, for example general wear and tear on the vehicle and gas/oil used during the personal use.

The taxation of employee personal use of City vehicles is slightly different for "qualified nonpersonal use vehicles." Employees who drive qualified nonpersonal use vehicles may be exempt from the IRS vehicle fringe reporting requirements and may be exempt from including their use of the vehicles in gross income when certain conditions for that vehicle are met and the City implements a policy addressing qualified nonpersonal use vehicles.

The definition of qualified nonpersonal use vehicles is any vehicle which, by reason or its nature (that is design), is not likely to be used more than a de minimis amount for personal purposes.

The following are our comments on two types of qualified nonpersonal use vehicles:

1. Clearly marked police, fire and public safety officer vehicles and ambulances are included in the list of qualified nonpersonal use vehicles.

Definition of clearly marked:

"A police, fire, or public safety officer vehicle is clearly marked if, through painted insignia or words, it is readily apparent that the vehicle is a police, fire, or public safety officer vehicle. A marking on a license plate is not a clear marking for purposes of this paragraph.

A police, fire, or public safety officer vehicle is a vehicle, owned or leased by a governmental unit, that is required to be used for commuting by a police officer, fire fighter, or public safety officer (as defined in section 402(l)(4)(C) of this chapter) who, when not on a regular shift, **is on call at all times, provided that any personal use (other than commuting) of the vehicle outside the limit of the police officer's arrest powers or the fire fighter's or public safety officer's obligation to respond to an emergency is prohibited by such governmental unit.**

In order for the use of the clearly marked qualified nonpersonal use vehicle to be excluded from an employee's income the following should be in policy:

- a. Personal use (other than commuting) of the vehicle outside of the limit of the police officer's arrest powers, should be prohibited.
- b. The individual operating the qualified nonpersonal use vehicle must meet the following definition:

An individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, a chaplain, or as a member of a rescue squad or ambulance crew.

2. **Unmarked law enforcement vehicles.** In order for the use of an unmarked law enforcement vehicle to be excluded from an employee's income the following must be met and in City policy:

- a. The vehicle must be operated by a law enforcement officer as defined below:

The term *law enforcement officer* means an individual who is employed on a full-time basis by a governmental unit that is responsible for the prevention or investigation of crime involving injury to persons or property (including apprehension or detention of persons for such crimes), who is authorized by law to carry firearms, execute search warrants, and to make arrests (other than merely a citizen's arrest), and who regularly carries firearms (except when it is not possible to do so because of the requirements of undercover work).

- b. Any personal use must be authorized by the City AND must be incident to providing law enforcement functions (for example – being able to report directly from home to an emergency situation).

Police Department On Call Policy

Below are Questions and/or Comments on the policy which were sent to us for review:

1. The fourth paragraph, of the Police Department On Call Policy, states "Vacation, sick leave and holiday pay do not count toward the overtime threshold." The City policy also states that standby pay is not included toward the overtime threshold.

We would recommend consistency between the two policies. FLSA guidelines provide the following:

Unless exempt, employees covered by the FLSA Act must receive overtime pay for hours **worked** over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

On-Call Time An employee who is required to remain on call on the employer's premises or so close to the premises that the employee cannot use the time effectively for his or her own purpose is considered working while on-call. **An employee who is required to carry a cell phone, or a beeper, or who is allowed to leave a message where he or she can be reached is not working while on-call.** See Regulations 29 CFR 785.17.

We question why the City's public safety employees would be treated differently than other City employees. If the public safety employee is not constrained to the City's premises or if their time is not constrained, we would recommend they be governed by the City policy that does not include standby pay in the overtime calculation as that type of standby pay would not be required to be included in the overtime calculation in accordance with the FLSA Act.

2. Number four in the Police Department on call policy states that "work duties that occur outside of the employee's regular work day, but are not initiated by a call-out, will be compensated for the actual time worked."

While we agree that time worked to the benefit of the City should be compensated as actual work, we do question the wording of this item as it seems to provide blanket permission for employees to work outside of regular business hours. We suggest wording that forbids work outside of regular business hours without the permission of the employee's supervisor. This permission should be given prior to hours worked by employees outside of regular business hours and should be documented in writing.

3. Number five in the Police Department on call policy states that "the above listed compensation rules shall also apply to personnel who respond to an emergency call-out who are not the primary on-call personnel (investigations, crisis negotiation, SWAT, PIO, etc.)."

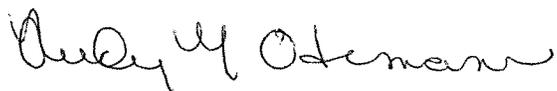
Again, this item may be too vague to be included as it is in the policy. Questions come to mind such as, who gives these employees permission to work outside of normal business hours? Is there a very detailed policy in place, outside of the on call policy, that dictates when employees work outside of regular business hours if they are not on call? If the City decides to include number five we would suggest including detailed information that very clearly dictates when employees are allowed to work outside of regular business hours. Again, we also suggest that permission to work outside of regular business hours be in writing and given prior to the hours worked.

Time Clock Policy

Time absolutely must be tracked per FLSA guidelines. I would recommend that all City employees, if possible, use the same system as the other City employees. It sounds like the automated system can be used on numerous different types of devices and will create efficiencies for both supervisors and payroll.

If you have any further questions or concerns, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Audrey M. Odermann". The signature is written in black ink and is positioned above the printed name.

Audrey M. Odermann, CPA

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Resolution No.: R-3005-17

City Administrator Approval: _____



Action Requested: Repeal and replace Resolution R-2985-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to Section 1 – In General.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

A RESOLUTION REPEALING AND REPLACING RESOLUTION R-2985-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 1-IN GENERAL

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting pursuant to Resolution R-2985-17 the Board reviewed and adopt suggested changes, and directed staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to repeal and replace Resolution R-2985-17 and approve the amendments to Section 1-General to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT the Board of Aldermen authorize and approve the repeal and replacement of Resolution R-2985-17 and approve the amendments to the Personnel Manual relating to Section 1-General as attached hereto in Exhibit "A" to be used by the City of Raytown in its day-to-day operations; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

I. IN GENERAL

1-1. Definition of Terms.

Throughout this Manual, unless some other meaning and intent is apparent from the context, the masculine gender shall be deemed to include all persons, and the singular the plural, and vice versa.

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

Appointing authority. The City Administrator or his duly authorized representative, except as that power is specifically reserved by statute to the Mayor and/or Board of Aldermen.

Appointment. The designation to a position in the municipal service of a person by the appropriate appointing authority.

Classified employee. An employee holding a position in the classified service.

Classified service. The classified service is comprised of all positions not specifically set forth as unclassified.

Date of hire. The date on which an employee is appointed to the municipal service. When an employee is transferred from the unclassified to the classified service, the date of hire shall be the date of his appointment to the classified service.

Demotion. The movement of an employee from a position to a position having a lower maximum salary rate.

Department. Any of the departments in the municipal government, now or as hereafter established by ordinances of the City of Raytown, Missouri.

Department Head. The officially appointed or elected head of any department.

Grievance. A grievance is a disagreement relating to employment and working conditions or relationships between an employee and his supervisor or other employees.

Immediate family. Is defined to include; spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), and spouses thereof.

Layoff. The separation of an employee which has been made necessary by lack of work or funds or other reasons not related to disciplinary action.

Part-time employee. An employee holding a position established on a basis of less

than eight (8) hours a day or less than eighty (80) hours in a biweekly pay period.

Regular employee. A classified employee who is not probationary or temporary.

Position. A group of current duties and responsibilities assigned or delegated by the appointing authority, requiring the employment of one person.

Position description. A non-exhaustive written statement of the work performed, delegated responsibility, and qualifications required to perform such work.

Probationary employee. An employee holding a position during a probationary period as herein provided.

Promotion. The movement of an employee from one position to a position having a higher maximum salary rate.

Resident. A person whose principal place of domicile is within the corporate boundaries of the City of Raytown, Missouri.

Salary range. A salary assigned to a class which sets the minimum, midpoint and maximum salary to be paid for the performance of work described, and allows salary advancements within a given range based on merit and other permissible considerations.

Transfer. The movement of an employee from one department or unit of the municipal government to another, or one position to another position having the same maximum salary rate.

Temporary employee. An employee holding a seasonal or intermittent position.

Unclassified employee. An employee holding a position in the unclassified service.

Unclassified service. The unclassified service is comprised of those positions which are filled by City election; and the following appointive positions: City Administrator, Department Heads, City Treasurer, City Attorney, Prosecuting Attorney, members of all Boards and Commissions, part-time employees, temporary employees, and persons employed by special request of the Mayor and Board of Aldermen for temporary work, or to make or conduct a special inquiry, investigation, examination or installation.

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

1-2. At-Will Employment.

All employment is for an unspecified term and can be terminated, either at the City's or the employee's option, at any time, with or without cause, and with or without advance notice. Nothing herein is intended to create an express or implied contract inconsistent with such "at will" nature of the employment.

1-3. Equal Opportunity Statement.

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at

the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other protected characteristic as established by law. This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The City has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Manager or the City Administrator.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

1-4. Non-Discrimination and Anti-Harassment Policy.

The City is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other status protected under federal, state or local law. The City prohibits and will not tolerate any such discrimination or harassment.

A. Sexual Harassment.

Sexual harassment constitutes discrimination and is illegal under various laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or **non-verbal conduct** of a sexual nature. Sex-based harassment—that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males)—may also constitute discrimination if it is severe or pervasive and

directed at employees because of their sex.

B. Other Prohibited Harassment.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

C. Individuals and Conduct Covered.

These policies apply to all applicants and employees, and they prohibit harassment, discrimination and retaliation, whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

D. Retaliation Is Prohibited.

The City prohibits retaliation against any individual who reports, ~~in good faith~~, discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including discharge.

E. Complaint Procedure.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, applicable laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with an appropriate management official,

supervisor, a department head, the Human Resources Manager or the City Administrator before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resources Manager or the City Administrator ***if the complaint is regarding their immediate supervisor.***

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of ~~its staff/employees~~ ***the complaining employee.***

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent ~~consistent with adequate investigation and appropriate corrective action~~ ***possible.***

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the Employer believes appropriate under the circumstances.

Individuals who have questions or concerns about these policies should talk with the Human Resources Manager or the City Administrator.

~~If an employee making a complaint does not agree with its resolution, the employee may appeal to the Board of Aldermen.~~

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The City prohibits disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

F. Policy Relating To Persons With Disabilities.

It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived

disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Employer will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Manager or the City Administrator. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

On receipt of an accommodation request, the Human Resources Manager, ~~or the City Administrator, and your supervisor, if other than the Human Resources Manager or the City Administrator,~~ **and/or designee** will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the Board of Aldermen by submitting a written request within ten business days of the decision explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The law does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Manager or the City Administrator ~~or, if necessary, the Mayor~~. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

1-5. Manual Authorized.

The personnel policies and procedures shall be established and implemented as per City Code Section 2-105, **through the adoption of a personnel manual**, ~~of ordinances, where appropriate, and through a personnel handbook. The handbook will supplement and clarify the ordinances, but in the event of conflict between the two, the ordinances shall govern. In the event a separate previously agreed upon Memorandum of Understanding (MOU) has been issued regarding any subject matter, the MOU shall govern.~~

1-6. Responsibility for Administration of Manual.

Except as otherwise specifically provided by this Manual, other ordinance of the City, or other applicable law, the City Administrator shall be charged with the responsibility for the administration of this Manual.

1-7. Procedures not in Derogation of Statutes.

Nothing contained in this Manual shall be construed as an infringement of the rights of the Mayor, Board of Aldermen or other elected official as granted by the Revised Statutes of Missouri, nor shall the same be deemed to grant to any employee a property right in his employment, a right to judicial review of any personnel practice or impair the employment at will status of any employee.

1-8. Savings Clause.

If any article, division, section, subsection, sentence, clause or phrase of this Manual is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Manual.

1-9. Construction of Manual.

This Manual shall be construed so as to obtain fairness and substantial justice. No technical violation of a provision of this Manual shall impair the rights of any employee, supervisor, or the City, in the absence of a showing of prejudice to such party.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Resolution No.: R-3006-17

City Administrator Approval: _____



Action Requested: Repeal and replace Resolution R-2987-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to Section 3-Compensatrion and Classification previously categorized Provisions Applicable to Unclassified Employees.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

A RESOLUTION REPEALING AND REPLACING RESOLUTION R-2987-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 3—COMPENSATION AND CLASSIFICATION PLAN PREVIOUSLY CATEGORIZED PROVISIONS APPLICABLE TO UNCLASSIFIED EMPLOYEES

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting pursuant to Resolution R-2987-17 the Board reviewed and adopt suggested changes, and directed staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to repeal and replace Resolution R-2987-17 and approve the amendments to Section 3-Compensation and Classification Plan previously categorized Provisions Applicable to Unclassified Employees to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT the Board of Aldermen authorize and approve the repeal and replacement of Resolution R-2987-17 and approve the amendments to the Personnel Manual relating to Section 3-Compensation and Classification Plan previously categorized Provisions Applicable to Unclassified Employees as attached hereto in Exhibit "A" to be used by the City of Raytown in its day-to-day operations; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

3. COMPENSATION AND CLASSIFICATION PLAN

3-1. The Plan.

A position classification and compensation plan based upon and graded according to assigned work duties and responsibilities, merit and performance shall be developed and maintained by the City Administrator, or his delegate to provide standardization and the proper classification of all positions.

3-2. Purpose.

The classification plan shall be used:

- (1) To provide like pay for like work;
- (2) To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes;
- (3) To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions;
- (4) To provide a basis for developing standards of work performance;
- (5) To establish lines of promotional opportunity;
- (6) To indicate employee training needs and development potentials;
- (7) To provide uniform and meaningful titles for all applicable positions;
- (8) To provide the fundamental basis of the compensation program and other aspects of the personnel program;
- (9) To provide a level of compensation that will allow the City to compete in the job market with other private and public employers in the area.

3-3. Administration of the Plan.

The City Administrator, or his delegate shall conduct position classification and compensation studies at such times as he deems necessary, when the duties and responsibilities of existing positions have undergone significant change, when new positions are to be established or upon request of the Board of Aldermen, Department Head or affected employee.

3-4. Classification of Positions.

Each position in the classified service shall be classified at the direction of the City Administrator, or his delegate.

3-5. Position Descriptions.

The City shall maintain a master set of all approved position descriptions which shall constitute the official position descriptions of the position classification plan.

Such position descriptions shall be open for inspection in the office of the human resources by the public under reasonable conditions during regular business hours.

3-6. Application of the Compensation Plan.

The compensation plan shall be applied at the direction of the City Administrator.

3-7. Special Allowances.

All employees who use their personal automobiles in the performance of official duties, either as incidental to or a normal part of their regular assignment, shall be reimbursed on a mileage basis as established by the City Administrator, provided they are not paid a monthly expense allowance for the use of the automobile, and provided prior authorization for use was given.

3-8. Working Hours.

- (a) The 7-day workweek is defined as Sunday through Saturday. Pay day is Friday, and most employees are paid on a biweekly basis.
- (b) City offices serving the public shall be open and staffed each working day, from 8:00 a.m. to 5:00 p.m., Monday through Friday. The City Hall hours will be posted on all City Hall entrances. ***Barring any unforeseen circumstances, all City Departments should be available by telephone during working hours.***
- (c) Two (2) rest periods of fifteen (15) minutes each may be provided for employees, scheduled at the discretion of the Department Head.
- (d) Assigned work hours may vary between departments and locations to maintain proper work area coverage and service to the community.

3-9. Time Reporting.

Attendance records are City records, and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees or request or allow other employees to log-in for the employee. Violations of this policy may result in appropriate disciplinary action, up to and including immediate discharge.

All non-exempt employees must record the time they arrived/departed and at lunch, each day, on his/her time record. Each employee is responsible only for his/her own recordkeeping.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Resolution No.: R-3007-17

City Administrator Approval: _____



Action Requested: Repeal and replace Resolution R-2988-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to Section 4-Employment and Benefits previously categorized Provisions Applicable to Classified Employees .

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

A RESOLUTION REPEALING AND REPLACING RESOLUTION R-2988-17 AND AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 4–EMPLOYMENT AND BENEFITS PREVIOUSLY CATEGORIZED PROVISIONS APPLICABLE TO CLASSIFIED EMPLOYEES

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual’s adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting pursuant to Resolution R-2988-17 the Board reviewed and adopt suggested changes, and directed staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to repeal and replace Resolution R-2988-17 and approve the amendments to Section 4-Employment and Benefits previously categorized Provisions Applicable to Classified Employees to the Personnel Manual attached in Exhibit “A” to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT the Board of Aldermen authorize and approve the repeal and replacement of Resolution R-2988-17 and approve the amendments to the Personnel Manual relating to Section 4-Employment and Benefits previously categorized Provisions Applicable to Classified Employees as attached hereto in Exhibit “A” to be used by the City of Raytown in its day-to-day operations; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

4. PROVISIONS APPLICABLE TO CLASSIFIED EMPLOYEES- EMPLOYMENT AND BENEFITS

~~4-1. Application of Article.~~

~~This shall apply to all classified employees in the municipal service unless a contrary intent appears, provided that if any person holds both a classified and unclassified position the terms of his employment in the classified position only shall be governed by this article.~~

4-1. Departmental Policy Authorized.

Because the situation and requirements of the employees of the various departments are or may be unique to that department, the Department Heads are authorized to make written ~~rules and written regulations~~ **policy** governing the conduct and performance of the employees of their respective departments provided that such ~~rules and regulations~~ **policy** shall not be in conflict with the statutes, ordinances or general policy and procedure of the City.

EMPLOYMENT

4-2. Recruitment.

The City Administrator or his delegate is responsible for recruiting and application completion for all applicants. The City Administrator or his delegate is exclusively authorized to contact outside employee sources. ***For this purpose, "delegate" refers to the Human Resources Manager and/or Department Heads.***

4-3. Applications.

Unless otherwise delegated to a Department Head, applications shall be on the forms prescribed by the City Administrator or his delegate. All employment is contingent upon the veracity of statement made thereon as certified by the applicant's signature.

4-4. Employment Categories.

Classification of a particular position shall be as determined by the City Administrator or his delegate.

4-5. Employment Offers and Rates.

- (a) Job offers to selected applicants, including starting salary and position are made by the appointing authority.
- (b) All offers are contingent upon such additional conditions as the appointing authority may determine.

OUTSIDE EMPLOYMENT

4-6. Permission and Restrictions.

Outside employment constitutes a City employee being self-employed or holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial, or ethical conflicts of interest result from such dual employment. No employee will perform any work for any outside agency during their established work period. No employee will be exempt from performing overtime duty because of outside employment commitments. A written request/notification must be submitted and approved by an employee's Department Head prior to an employee becoming self-employed or accepting outside employment. ~~This is not required for small "odd jobs" similar to mowing, painting, multi-level marketing sales, etc that occur on the employees personal/off-hours time.~~

CERTIFICATION AND APPOINTMENT

4-7. Vacancies.

Vacancies in the classified service may be filled by reemployment, promotions, original appointment, transfer or demotion as provided in these rules.

It shall be the responsibility of the Department Head to notify the City Administrator or his delegate of any available position.

4-8. Appointments.

Appointing authority. Appointments of personnel to classified or unclassified positions in municipal service may be made only by the appointing authority.

PROBATIONARY PERIOD

4-9. Purpose.

The probationary period shall be utilized by the appointing authority as an opportunity to observe the work of a newly hired employee or a promoted employee. In reviewing the employee's work, the appointing authority may note the employee's attendance, work habits, appearance, cooperation, learning capacity for that position, and other criteria.

4-10. Duration.

- (a) Each employee selected to fill a position with the City must successfully complete a probationary period. This gives the supervisor an opportunity to observe the candidate in order to determine whether or not the person is capable of handling the responsibilities and duties of the job in a satisfactory manner.
- (b) Each employee who moves to a different job classification shall also undergo a probationary period in order to achieve minimal competency in the new position. An employee who fails to satisfactorily complete such probationary period shall be returned to the pay and position he or she held immediately prior to the promotion if this position or a similar position is open and available.

- (c) The duration of the probationary period for both new employees and promoted employees shall be at least six months or more based upon recommendations of the Department Head. The successful completion of a probationary period should not be construed as creating a contract, as guaranteeing employment for any specific duration or to mean that an employee has attained any kind of tenure or right to be terminated only for cause. Rather, it means that although the employee remains an employee at will, the City may, in certain circumstances, elect to utilize progressive discipline to correct performance problems before termination. However, the City retains the absolute discretion to terminate any employee at any time for no reason or for any lawful reason.
- ~~(d) During a probationary period, the City will endeavor to review the performance of the probationary employee on a monthly basis using a City provided form submitted to Human Resources, utilizing a standard department evaluation form.~~
- (d) Pay increases for probationary employees will be on a discretionary basis.
- (e) If, at any time, during the probationary period, the probationary employee's performance is determined to be unsatisfactory, the employee may be separated from the position immediately.

RECORDS AND REPORTS

4-11. Evaluation of Employees. – New Section was previously 3-4 and 3-5

- ~~(a) It is the City's policy to provide a compensation package to the Department Heads which will allow the City to compete with other private and public employers in the area for executive level personnel. The City recognizes that the compensation package will require periodic review and adjustment in order to remain competitive and that the performance of the Department Head should be considered in connection with such review.~~
- ~~(b) The City Administrator shall review the performance of each appointed Department Head each year and shall make recommendations to the Board of Aldermen concerning the compensation and benefit package for each Department Head. While the City generally provides annual cost of living wage adjustments, merit increases may be made at the discretion of the City Administrator based on budget availability. As part of such review, the City Administrator shall meet with the various appointed Department Heads concerning his evaluation of the incumbent's performance, communicating his perception of that employee's strengths and weaknesses to the incumbent and to the Board of Aldermen. Such reviews and reports to the Board of Aldermen shall not be open to the public; provided, however, that adjustments in the compensation package and/or salary adjustments, if any, shall be a public record as provided by law.~~
- (a) It is the City's policy to provide a compensation package to all employees which will allow the City to compete with other private and public employers. The City recognizes that the compensation package will required periodic review and adjustment in order to remain competitive.**
- (b) The City Administrator, Department Head or his designee is responsible for reviewing the performance of each perspective employee and may make recommendations concerning the compensation and benefit package.**

~~3-5. Evaluation of Department Employees.~~

- ~~(a) All Department Directors shall review the performance of each Department employee each year and shall make recommendations to the City Administrator and Human Resources Director regarding compensation and performance. While the City generally provides annual cost of living wage adjustments, merit increases may be made at the discretion of the City Administrator and Department Director based on budget availability. As part of such review, the Department Director shall meet with the individual employees concerning the evaluation of the incumbent's performance, communicating the perception of that employee's strengths and weaknesses to the incumbent and to the Human Resources Director. Such reviews and reports shall be kept in the employees personnel file by the Human Resources Director.~~

4-12. Personnel Records.

- (a) Personnel records are considered confidential, and authorization to see or release information from personnel files is only to be made by the City Administrator or his delegate.
- (b) ***Unless otherwise specified by the City Administrator and/or described in Department Policy***, all documents, reports, forms and papers gathered during any internal investigation relating to personnel or disciplinary action shall become part of the City's personnel records, and a copy of the final report shall be included in the personnel file of any employee affected by the investigation.
- (c) Any document that may lead to disciplinary action shall be provided to the employee. The employee shall have access to his own personnel file during regular business hours. Employees who wish to view their personnel file should contact the Human Resource Manager.

4-13. Reports.

Every appointment, transfer, promotion, demotion, dismissal and disciplinary action of employees in both the classified and unclassified service shall be reported to the human resources office on forms approved for such use, to be reviewed by the City Administrator or his delegate for compliance with this Manual before becoming effective.

4-14. Effective Dates for Salary Changes.

Salary changes for all classified employees shall be effective not sooner than the beginning of the pay period during which the appropriate form is processed and approved. ~~The human resources office shall provide the appropriate Department Head with employee performance evaluation forms which shall be returned to the human resources office prior to the effective date. Only under approval of the City Administrator and with extenuating circumstances, may an employee commence additional duties agreed upon in employment without being compensated as the result of a position change or promotion.~~

BENEFITS

4-15. Policy.

All employees are expected to schedule and take time off each year for earned vacation and to observe scheduled holidays. The benefits described herein shall be the only benefits or absences from duty authorized. Unless otherwise provided or required by law, benefits will accrue only to full-time, regular employees.

4-16. Holidays.

(a) The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Martin Luther King Day
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Thanksgiving Day, 4th Thursday in November
- Friday following Thanksgiving Day
- Christmas Day, December 25th
- Two floating holidays ~~at employee's discretion~~

(b) Holiday Observance. Determination of a holiday for shift personnel shall be based on the actual date of the holiday. For employees who normally work Monday–Friday schedules, observance of holidays shall be either the day the holiday falls on, or if the holiday falls on a Saturday the previous Friday will be observed, and, if the holiday falls on a Sunday, the following Monday will be observed.

(c) Holiday Pay. An employee whose regular work day falls on any City-recognized holiday shall receive their regular pay plus holiday pay for the hours worked, but not to exceed the amount of hours of their normal work schedule.

~~Any 24-hour employee not working the holiday is to receive 8 hours holiday pay at straight time. Any 24-hour employee working the holiday receives pay for working plus time and a half for holiday pay. This is an incentive for crews to cover open shifts on the holidays.~~

(d) Holiday Call-back. An employee called back to duty on a holiday shall be compensated at 1½ rate and shall receive a minimum of 1 hour of pay. If they are engaged to work after the call in they will receive a minimum of two (2) hours pay. They will still receive their full holiday pay.

(e) Off-duty Shift Workers. Shift workers such as police officers, with the exception of EMS, whose regular scheduled day off falls on any City-recognized holiday shall receive, in addition to his day off, regular pay as holiday compensation equal to the amount of hours the employee would regularly be scheduled for work. Off-duty EMS shift workers shall receive 12 hours of regular pay on holidays.

(f) Part-time or Seasonal. Part-time and/or seasonal personnel will not be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. If part-time or seasonal personnel do work on a City observed holiday, they will be compensated at their regular hourly wage unless they have worked over 40 hours that week at which time they will be compensated at 1½ time rate.

(g) To be eligible for holiday pay an employee must be on the payroll on the day of the holiday, must have worked or been on paid leave the work day prior to the holiday and the work day following the holiday.

(h) Holidays occurring during an employee's paid vacation time will be credited as a holiday and not as a vacation day.

(i) Consideration will be given to employees wishing to observe other religious holidays not a part of the official city holidays. The leave may be charged to vacation, or leave without pay.

- (j) Employees, regardless of shift, shall be granted two (2) shifts as floating holidays.
 - (1) To be eligible for the floating holidays, an employee must have been a regular full-time employee for six (6) months prior to taking such holiday.
 - (2) Floating holidays must be taken in their entirety and may not be used in increments.
 - (3) Floating holidays must be approved by Department Head of his designee.

~~(k) In the rare event of early closure due to weather, natural disaster or unforeseen circumstances, the employees shall be compensated for the entire day as to avoid financial hardship if the employee has already made it to the location of employment (City Hall, Public Works Garage, EMS Facility, Police Department, Parks Facility, etc.)~~

4-17. Vacation.

(a) *Amount:*

- (1) ~~Employees in the classified service and unclassified service~~ (excluding elected employees) employed at work on a regular basis of at least forty (40) hours per week, but not on a twenty-four (24) hour shift, shall earn vacation time at the following rate, up to a maximum accumulation of two hundred eighty (280) hours:

Classified and Unclassified Employees on shifts less than 24 hours		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	3.7	280
60 – 119	4.7	280
120 – 179	5.6	280
180 – 239	6.5	280
240 +	7.4	280

- (2) Employees in the classified service employed to work on a regular basis of a twenty-four (24) hour shift day, ~~and any member of Emergency Medical Services employed prior to January 1, 2017~~ shall earn vacation time at the following rate up to a maximum accumulation of two hundred eighty-eight (288) hours:

Classified Employees on scheduled to work 24 Hour Shifts		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	4.7	288
60 – 119	6.5	288
120 – 179	8.3	288
180 – 239	10.2	288
240 +	12	288

- (b) *When accrued:* Employees, hired on a full-time basis, shall begin accruing leave at the above scheduled rate with their first payroll.

(c) *When taken:*

- ~~(1) Vacation requests must be submitted on an absence request form electronically or via hard copy and be approved by the City Administrator or his/her delegate.~~
 - (1) Vacation requests must be submitted in a manner established by the Department Head or his designee.
 - (2) Vacation leave with pay must be earned before it can be taken.
 - ~~(3) Each Department Head shall schedule vacation leave on a first come, first served basis, with particular regard to the seniority of employees.~~
 - (3) Vacation leave shall be approved by Department Head or his delegate.
 - (4) No employee shall be permitted to waive vacation for the purpose of receiving double pay.
- (d) *Holiday during scheduled vacation:* Any holiday which shall occur during an employee's scheduled vacation period shall not be counted as a day of vacation.
- (e) *Sick leave:* Sick leave may not be used to augment vacation time, but earned vacation may be used to augment exhausted sick leave.
- (f) *Vacation pay upon separation from employment:* Employees who separate from City employment in good standing by giving fourteen (14) calendar days' notice of resignation shall be paid for all vacation accrued but not taken by the date of termination.
- Employees terminated by the City for cause or who resign without proper notification shall forfeit accrued vacation credits, unless otherwise disallowed by applicable laws then existing.

4-18. Sick Leave.

Paid sick leave is not required by law and is provided for the benefit of the employee.

The City reserves the right to control how, when and in what increments sick leave may be used.

- (a) *Amount:*
- (1) Employees in the classified service and the unclassified service, but excluding elected employees, employed to work on a regular basis of forty (40) hours per week, five (5) days per week, shall earn sick leave at the rate of three and seven tenths (3.7) hours per pay period.
 - (2) Employees in the classified service, employed to work on a regular basis of a twenty-four-hour shift day, ~~and any member of Emergency Medical Services employed prior to January 1, 2017~~ shall earn sick leave at the rate of five and one tenth (5.1) hours per pay period.
- (b) *When accrued:* Employees, hired on full-time basis, shall begin accruing sick leave immediately—regardless of whether they have completed their probationary period.

- (c) *When taken:*
- (1) Sick leave shall be available for use by an employee upon accrual.
 - ~~(2) Sick leave must be earned before it can be taken.~~
 - (2) The following absences are chargeable to sick leave when approved by the City Administrator or his delegate:
 - (A) Loss of work due to illness or injury, including pregnancy, childbirth and related medical conditions.
 - (B) Personal doctor or dentist appointments when emergency or otherwise unavoidable circumstances make it impossible to schedule such appointments during nonworking hours.
 - (C) Necessary care for a family member of the immediate family.
 - (D) Sick leave requests must be approved by the City Administrator or his delegate prior to payroll action.
- (d) *Holidays during sick leave:* Any holiday occurring during a period of illness will not be charged against sick leave.
- (e) *Illness while on vacation:* No refund of vacation time shall be allowed for illness incurred while on vacation.
- (f) *Vacation may augment sick leave:* Vacation credits may be used to augment exhausted sick leave; but sick leave may not be used to augment vacation.
- (g) *Pay during illness:* The sick leave program, the weekly indemnity insurance plan, and worker's compensation are intended as a protection against loss of wages during illness or injury when the employee is unable to work. They are not intended to exceed the employee's monthly salary.
- (h) *Sick leave accumulation:*
- (1) There will be a cap of 1,040 hours placed on sick leave accrual. This cap will be enforced on the last pay period of the fiscal year. Any amount accrued over the cap will be adjusted off.
 - (2) Current employees, as of ~~April xx, 2017~~ **December 21, 2016**, with more than 1,040 hours will not lose any accrued time but they will not accrue additional leave until they drop below the cap.
- (i) *Sick leave buyback:* In October of each year employees with a minimum of 360 accrued sick leave hours will be allowed to sell back up to 96 hours of sick leave at their current rate of pay and based on the longevity chart below.

Months of Service	Sellback Ratio
60 – 119	15%
120 – 179	30%
180 – 239	45%
240+	60%

- (j) *Sick leave upon separation:* Employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buyback the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer, no additional use of sick leave will be allowed.
- (k) *Reporting illness:* An employee unable to report to work, intending to claim sick leave, shall report prior to the time his work period is to begin. Advance notification guidelines will be established by the Department Head but will be no less than one hour prior to expected start time. Failure to comply with this paragraph may result in disallowance of sick leave for that absence.
- (l) *Abuse of sick leave:* Sick leave is a benefit provided for the employee but it is not intended to be used to supplement vacation or holidays. The City has adopted specific policies in regards to the use of sick leave and any use for other than the stated purposes in this policy will be considered abuse. Sick employees are encouraged to stay home and recover so as not to cause any of their coworkers to become ill. However, abuse of sick leave impacts not just the employer but also co-workers that are required to cover the absent employee's duties. Use of unscheduled sick leave for other than actual illness of the employee or to care for the employee's immediate family will be considered abuse. A pattern of suspected abuse including but not limited to the repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation, pay day or inclement weather or use after vacation time has been denied (regardless of the number of consecutive days) will be considered abuse. Abuse may result in disciplinary action up to and including termination. This policy will not be applicable to FMLA and ADA qualifying events.
- (m) *Physician's statement required:* Sick leave in excess of two work shifts shall be allowed only after such employee presents to the City Administrator or his delegate a written physician's statement certifying that the employee's condition prevented the employee from performing his duties. The City Administrator or his delegate shall be entitled to request a physician's statement in such other circumstances as deemed appropriate.
- (n) ***Sick leave may be used to augment bereavement.***

4-19. Leaves of Absence.

- (a) *Family and medical leave (FMLA):*
 - (1) Family and medical leaves of absence shall be granted to employees who have been employed in the municipal service for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the year preceding the start of leave.
 - (2) Family and medical leaves of absence shall be granted for extended periods of time off work due to those reasons required by federal law, including:
 - (a) Birth of a child, and to care for such child;
 - (b) Placement of a child for adoption or foster care;
 - (c) Caring for the employee's seriously ill spouse, child or parent; or
 - (d) Because of a serious health condition that makes the employee unable to perform his or her job functions;

- (e) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status; and
 - (f) To care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- (3) ~~Employees will be required to use vacation or sick leave for their first 40 hours of FMLA. After that time, they can either continue to use their accrued leave or they will be placed on leave without pay.~~
- (4) Except when impracticable, such as in an emergency situation, family and medical leaves of absence should be requested in writing thirty (30) days in advance.
- (5) Family and medical leave may be granted for periods not exceeding twelve (12) weeks during any twelve-month period measured forward from the first use of FMLA.
- (6) Following leaves of absence, employees shall be entitled to be restored to their former position or to an equivalent position with equivalent employee benefits, pay, and other terms and conditions of employment. An employee among the highest paid ten (10) per cent of the employees employed by the employer may be denied such full restoration if substantial and grievous economic injury to the employer would result and the employee is notified of this decision at the time of the leave request.
- (7) All insurance may be continued for the duration of medical and family leave at the level and under the conditions coverage would have been provided if the employee had continued in employment. Such insurance and any required co-payment shall be paid prior to the first of the month in which it would otherwise expire.
- (8) Prior to reinstatement from leave for a serious health condition, a doctor's statement indicating the employee is able to perform the essential job functions may be required. If, in the opinion of the City Administrator or his delegate, the employee is not so qualified, the employee shall be examined by a physician selected and paid by the City.
- (b) *Military leave:* The City will follow all federal guidelines concerning Military Leave and corresponding pay.

Before any payment of salary is made covering the period of leave, the employee shall file with the City Administrator or his delegate an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of such order. Additionally, certification of military pay must be provided so that the City can calculate the appropriate city pay.

(c) *Personal leave:*

- (1) Personal leaves of absence may be granted to full-time employees based upon employee's length of service, total work record, and the reason for the leave of absence.
- (2) Personal leaves of absence may be granted for extended periods of time off work due to compelling, unique and infrequent personal reasons.
- (3) Personal leaves of absence must be requested in writing to the City Administrator or his delegate in advance, except in emergency situations. Personal leave may be granted, with the approval of the City Administrator or his delegate, for periods not exceeding three (3) months. Extensions may be granted.
- (4) Following personal leaves of absence, the City may endeavor to place the employee in the same or similar job, depending on skill and ability. However, return to municipal service shall be at the convenience of the City. In the event that the employee is not reinstated following termination of leave, the employee shall be deemed separated without prejudice.

(d) *Miscellaneous provisions:*

- (1) Leave shall be allowed only for the stated purpose. In the event an employee engages in any activity inconsistent with that for which the leave was granted or if he shall accept other unapproved outside employment, he shall be deemed to have tendered his resignation without notice at the effective date of the leave.
- (2) During leaves, except as otherwise provided herein, benefits will not accrue nor will holidays be paid. This applies even if an employee chooses to refuse FMLA. Leave will not constitute a break in service for pension purposes or for merit review purposes, but medical, life and other insurance benefits may be continued at the cost of the employee. Such insurance shall be paid for prior to the first of the month in which it would otherwise expire.

~~During leaves of more than two weeks, but less than a whole month, vacation and sick pay will accrue in the proportion that the number of days worked during the month bears to the number of work days in that month, rounded to the next whole hour.~~

- (3) Except as otherwise provided herein, leaves of absence will be without pay.
- (4) Except in the case of military leave, an employee shall use all his+- accrued sick leave and vacation prior to being granted unpaid leave. An employee may elect to use accrued vacation benefits during additional military leave, but shall not be required to do so.

(e) *Jury duty.* Employees shall be granted leave during the time they are summoned to appear for jury duty. They shall be paid their regular salary during their attendance and will be allowed to retain any remuneration received for serving.

(f) *Bereavement leave.*

- (1) Employees are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of an immediate family member as defined previously. ***To be eligible for paid bereavement leave, the employee must attend the funeral of the deceased relative.***
- (2) Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the City, provided such absence from duty will not interfere with normal operations of the City.

4-20. Insurance Benefits.

Government regulations define standards to protect the privacy of health information. In the course of the employment relationship, an individual's health information may be used by the City when necessary for the administration of workers' compensation benefits, drug or alcohol testing, or health insurance plan benefits. You may be asked to sign an authorization form to permit a Medical Provider or health plan to disclose health information to the City. Any such disclosure will only be used for the specific purpose of the disclosure and the City will take all reasonable precautions to protect the privacy of this information.

The following benefits are provided by the City for the employees. Additional benefits may be made available to the employee from time to time on an individual subscription basis:

- (a) *Worker's compensation insurance.* Employees who are injured or become ill during the course of work are covered by the state worker's compensation act. Employees injured on the job or suffering a work-related illness shall notify their supervisor as soon as possible following the injury or illness.
- (b) The City makes available health, dental and vision care coverages in combination with a life insurance benefit plan for full-time employees and their dependents. The employee shall select life insurance coverage from available options at the employee's cost. In addition, the employee may select health, dental and/or vision care coverage for himself and his dependents, to which the City will contribute an amount determined by the board of aldermen per month per employee for single health care coverage and a separate amount determined by the board of aldermen per month per employee for dental, vision and family health care coverage. Health, dental and vision coverage in excess of the amount determined by the board of aldermen shall be paid for by the employee through payroll deduction.

4-21. Pension Plans.

Membership in pension plans are provided for employees subject to the terms and conditions of the specific trust agreement and/or contract provisions governing such plans.

4-22. Worksite Breastfeeding.

Employees shall be provided a place to breastfeed or express their milk. An employee lactation room shall be provided as a private and sanitary place for breastfeeding employees to express their milk during work hours. This room provides an electrical outlet, chair, and nearby access to running water. Employees may use their private office area for breastfeeding or milk expression, if they prefer.

A refrigerator will be made available for safe storage of expressed breastmilk. Employees may use their own cooler packs to store expressed breastmilk, or may store milk in the refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for her child. The time will not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used, or the employee can come in a little early or leave a little later to make up the time.

Please contact the Human Resources Manager to discuss.

SEPARATION FROM MUNICIPAL SERVICE

4-23. Resignations.

- (a) Any employee may resign in good standing by presenting his resignation in writing fourteen (14) calendar days prior to the effective date and continuing to perform assigned duties without disruption or violation of City policies. Resignation without such advance notice and observance of conduct rules and City policies will result in forfeiture of all accrued vacation, unless otherwise prohibited by then-existing applicable laws. Such resignation shall be promptly forwarded to the human resources office.
- (b) At the discretion of the Department Head, the employee may be allowed to leave immediately after notice and still be considered to have left in good standing if it is more convenient for the department.

4-24. Reduction in Force; Layoff.

An employee may be separated from municipal service without prejudice because of lack of funds or curtailment of work. Ordinarily, the City gives notice of at least ten (10) working days to such employees prior to separation.

4-25. Separation Pay.

- (a) Upon separation from City employment in good standing employees will receive payment for unused vacation credits accrued ~~and time worked.~~
- (b) Separated employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buy back the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer no additional use of sick leave will be allowed.
- (c) Upon separation with prejudice, employees will receive payment only for time worked.
- (d) Notwithstanding the foregoing paragraph, no separation pay shall be paid until all property issued to the employee has been returned and all financial obligations to the City have been satisfied.

4-26. Termination.

Any employee may be separated from the municipal service as a result of disciplinary action as hereinafter provided and such separation shall be "with prejudice." However, no separation shall be with prejudice until such time as his termination has become final.

CITIZENS PERSONNEL COMPLAINTS – Per legal review, this does not belong in the personnel manual. What was suggested by legal review is that this information is made available via a handout along with being posted on the City's website.

GRIEVANCE POLICY

4-27. Purpose.

The City wishes to encourage employees to resolve any conflicts and grievances which arise in the workplace as quickly as possible through informal means. This procedure is designed to provide a framework for the efficient and effective resolution of difficulties that may arise in the workplace, through open communication and discussion between colleagues. The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. The procedure does not provide for sanctions against anyone involved. A separate procedure exists to deal with disciplinary issues.

4-28. Policy.

Employees are strongly encouraged to use informal approaches, such as directly discussing the matter with the person(s) involved, rather than to use the formal procedure. Only if the informal methods fail to bear fruit should the employee use the formal procedure. Where a formal grievance is submitted and the employee subsequently opts to seek a solution informally, the grievance will be placed on hold. If any employee is unable to resolve his grievance informally, he may present his grievance to his Department Head within ten (10) calendar days of the incident.

4-29. Grievances to be in Writing.

All grievances shall be in writing and state the problem or problems as well as the recommended solution. Grievances are not intended to be an alternate means of seeking review of discipline but are intended to address employment or working conditions which affect the grieving employee uniquely or the group of employees of which the grieving employee is a representative member; grievances may also address disagreements or relationships between employees or groups of employees, including supervisors. Any grievance which is determined to be an attempt to seek review of discipline shall be summarily dismissed.

4-30. Additional Review.

Any party to a grievance who is unsatisfied with the outcome may request additional review by presenting to the City Administrator a copy of the grievance, within five (5) calendar days of the prior disposition, including the reasons for his dissatisfaction and the relief requested. **City Administrator will review and take appropriate action. The City Administrator's decision is final.**

If no party to a grievance pursues additional review within the five (5) calendar day time limits, all parties will be presumed to have been satisfied with the outcome.

4-31. Protection.

No employee shall be disciplined, discriminated against or otherwise prejudiced in any way because of his proper use of the grievance procedure.

DISCIPLINARY POLICY

4-32. Policy.

As a City of the fourth class, all officers and employees serve at the will of the Mayor and Board of Aldermen. Nevertheless, the Mayor and Board intend to promote efficiency and economy in the operation of the City government. Therefore, it shall be the duty of each employee to maintain high standard of conduct and cooperation in their work for the City.

4-33. Purpose.

It is the policy of the City to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

(a) Scope of Policy.

These policies and procedures are applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay or dismissal. It does not apply to:

- (1) Suspension with pay pending investigation of allegations relating to an employee;
- (2) Decisions not to offer reappointment to persons whose appointment for a stated period expires; or
- (3) Dismissal of employees:
 - (a) Who are appointed by the Board of Aldermen and fall under an employment agreement that defines the terms for separation and appeal;
 - (b) Who occupy positions that are dependent upon funding from a specific source and such funding is not received;
 - (c) As a result of reorganization;
 - (d) Because of financial exigency;
 - (e) During the 180-day probationary period; or
 - (f) Who are appointed for a stated period of less than 180 days.

4-34. Employee Conduct.

It is the policy of the City that certain rules and regulation regarding employee behavior are necessary for the efficient operation of the City and for the benefit and protection of the rights and safety of all. Conduct that interferes with operations, brings discredit to the City and/or is offensive to citizens or fellow employees will not be tolerated. This section outlines some basic guidelines, bearing in mind that it is impossible to list every possible conduct rule and infraction. The discipline policies cannot cover all circumstances that arise in the employment relationship. Additional reasons for disciplinary action may be necessary depending on the circumstances.

While the City may in some cases utilize progressive discipline, employees remain employees at will and may be summarily terminated at any time with or without cause. Discipline—progressive or not—may always include corrective actions up to and including termination.

- (a) All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the City. As an illustration, some misconduct which may result in corrective action, up to and including termination, includes failing to abide by the following basic conduct rules:
 - (1) Reporting to work punctually as scheduled and being at the workstation—ready for work, at the assigned starting time.
 - (2) Notifying their supervisor when the employee will be absent from work, or is unable to report for work on time.
 - (3) Complying with all City safety and health regulations.
 - (4) Smoking only in specifically designated areas.
 - (5) Wearing clothing appropriate for the work being performed.
 - (6) Performing assigned tasks efficiently and effectively.
 - (7) Maintaining work place and work area cleanliness and orderliness.
 - (8) Treating all citizens and visitors as guest of the City.
 - (9) Endeavoring to rectify identified and/or known poor performance in carrying out job assignments.

- (b) A non-exhaustive list of severe misconduct most likely to result in severe discipline, such as immediate termination, follows:
 - (1) The use of alcoholic beverages on City property, work sites or reporting for work while under the influence of alcoholic beverages, or controlled substances which are not prescribed for that employee.
 - (2) Sleeping while on duty.
 - (3) Unacceptable demeanor about work that is visible to coworkers and influences the work environment.
 - (4) Sexual harassment and / or discrimination.
 - (5) Insubordination – the refusal by an employee to follow management’s instructions concerning a job-related matter.
 - (6) Theft or misuse of City property, or of another employee’s property.
 - (7) Falsifying any City record or report, such as an application for employment, a production record, a time card, or shipping or receiving records.
 - (8) Being convicted of a crime of moral turpitude.
 - (9) Being absent without leave.
 - (10) Excessive tardiness or abuse of sick leave.
 - (11) Abuse or damage to City property through negligence or carelessness.

4-35. Employee Discipline.

Occasionally an employee must face discipline for actions that fail to conform to the conduct or performance expected of a City employee in the employee's position. Only a small percentage of employees ever become involved in such actions.

The primary objective of the City's disciplinary process is to correct the problem. Depending on the type of employee and the seriousness of the act, the following disciplinary measures may be implemented: Remedial training, Counseling, Verbal Reprimand, Written Reprimand, Suspension With Pay, Suspension Without Pay, Demotion, or Termination.

Employees who do not have a separate, individual written employment contract or collective bargaining agreement are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice.

Nothing contained in this Handbook, employment applications, memorandums or other material provided to employees in connection with their employment shall require the City to have "just cause" to terminate employees or otherwise restrict the City's right to terminate an employee at any time or for any reason. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the City's right to terminate at will.

In certain instances, the City may use a progressive disciplinary approach to discipline. The City is not obligated to use any or all of the progressive disciplinary steps available and may begin the disciplinary process at any level, up to and including immediate discharge, depending, among other things, on the severity of the conduct, the employee's prior work performance and disciplinary history, the employee's length of service and any mitigating or other individual circumstances. ~~Other tools which may be utilized by the City include:~~

~~● Probation period in conjunction with disciplinary action. In conjunction with an employee receiving disciplinary action, the Department Head may impose a probationary period. The reasons for the probationary period, as well as the length and desired outcomes, will be included in the written disciplinary action.~~

~~● Decision making leave. Decision making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline or in combination with other forms of discipline. The purpose of decision making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior.~~

~~● Administrative leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay.~~

~~Supervisory / Managerial Responsibilities.~~

~~All employees with the responsibility and authority to supervise and direct employees under their control shall attempt to resolve issues at the lowest possible supervisory level by administering policies and procedures within their scope of authority; documenting their subordinates' job performance, conduct and behavior as appropriate; properly conducting evaluations of subordinates in a timely manner; recommending discipline of subordinates as required under their departmental and/or City policies and procedures.~~

~~Supervisors finding the need to discipline a subordinate, at a level above counseling, will prepare a memo to their Department Head outlining: the problem(s), the offense(s) the employee is alleged to have committed and/or policies violated, the actions taken by the supervisor to address the problem(s) and any recommendation for discipline the supervisor believes appropriate for the offense(s). This packet should be forwarded through the supervisor's chain of command to the Department Head for evaluation.~~

~~The Department Head will review the packet for thoroughness and accuracy, as well as the appropriateness of the discipline recommended. The Human Resources Department is available for consultation if needed.~~

~~The Department Head will forward his recommendation for discipline to the City Administrator for review.~~

~~The City Administrator will review the recommendation and may concur, reject, or modify it. Once the City Administrator determines the course of action, the discipline can be imposed, and the employee notified of the decision.~~

~~All forms of discipline should be documented and be placed in the employee's personnel file. A copy of all disciplinary memos will ordinarily be provided to the employee prior to inclusion in their file.~~

~~This provision excludes the Police Department as they host a separate Internal Affairs procedure.~~

Per Legal Review, due to the significant revisions of the Employee Discipline policy, it is unnecessary to expressly exempt the Police Department from the Personnel Manual as proposed with changes.

4-36. Procedure For Appealing Disciplinary Actions.

~~Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by the Human Resources Manager. The failure of the employee to process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to respond in a timely manner to an appeal shall constitute authorization for the employee to process the appeal to the next step.~~

Step One:

The employee may present a written appeal to the Department Head or equivalent within five (5) working days from the date of the disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be mailed to the employee.

Step Two:

If the employee is not satisfied with the step one decision, the employee may present a written request for a hearing before the City Administrator or designee. The request for a hearing must state with particularity why the disciplinary action was inappropriate and/or why the decision of the step one official should be changed. The request must be made within five (5) working days following the date of the appealed decision. The City Administrator shall, in his or her discretion, either hear the appeal in person or appoint a delegate(s) to hear the appeal. The hearing shall be conducted pursuant to the procedure set out below.

Step Three:

~~If the employee is not satisfied with the step two decision, a written appeal may be made to the Mayor of the City within five (5) working days of the date of the step two decision and must state why such decision is incorrect. The review by the Mayor shall be based solely upon the step two record and shall not include any new issue or evidence. Within a reasonable period of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be mailed to the employee. The decision of the Mayor is final.~~

Records of Disciplinary Actions.

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

Step Two Hearing Procedures.

- (1) Pre-Hearing Rules and Procedures.
 - (A) *Naming the Delegate(s)* - If the City Administrator elects to appoint a delegate(s) to hear the appeal, the name or names will be furnished to the employee as soon as practical after the selection is made. If more than one person is appointed, one of such persons shall be designated to serve as chair in the notice to the employee.
 - (B) *Challenges to Impartiality* - An employee may challenge the fairness and impartiality of the City Administrator or an appointed delegate(s). The challenge must be in writing and must clearly state the factual basis for the challenge. A challenge of the City Administrator must be made within five (5) days of the date of the request for a hearing and a challenge of a delegate(s) must be made within five (5) days after the date of the notice appointing the delegate(s). It shall be up to the person challenged to determine whether he or she can serve with fairness and impartiality. If the City Administrator determines that he or she cannot be fair and impartial in the consideration of the appeal, he or she shall appoint a delegate(s) to hear the appeal. If a challenged delegate(s) determines that he or she cannot be fair and impartial in the consideration of the appeal, the City Administrator shall appoint another delegate(s).

(C) *Time Limits* - The hearing shall be conducted as soon as practical, but not later than twenty (20) working days following the date of the appeal or the appointment of delegate(s).

(D) *Discovery Rights and Document Exchange.*

i. The employee may request City documents, records, or exhibits. Such request must accompany the step two written appeal. The requested records will be furnished if, in the opinion of the City Administrator or the designated chair, as the case may be, they are relevant to the appeal and are not made confidential by law.

ii. At least five (5) days prior to the time set for the hearing, the City representative for the appeal and the employee shall furnish each other with the names of the witnesses to be called, a summary of their expected testimony, and a copy of each document, record or exhibit to be introduced at the hearing.

(2) Hearing Rules and Procedures.

(A) *Role of Hearing Chair.*

i. The City Administrator or the delegate designated as chair shall preside at the hearing and ensure the order of presentation as well as decide on questions of relevancy. The chair shall also have the discretion to determine the form and scope of cross examination allowed during the hearing.

ii. Upon request, the chair may consult with and be advised by counsel during the hearing.

(B) *Right to Representation.*

The employee has the right to be represented at the hearing by an attorney or other individual representative.

(C) *Hearing Record.*

In all appeal hearings where the employee is represented by an attorney or an individual from an employee organization, a court reporter ~~shall~~ **may** be furnished by the City to transcribe the hearing and swear in witnesses. The party requesting a copy of the transcript of the proceedings shall be responsible for its cost. In all other appeals ~~hearings~~, the City shall tape the hearing and make a copy of the tape available to the employee on request. The transcript of the court reporter or the tape of the proceedings shall be the official record of the hearing.

(D) *Burden of Proof.*

The City has the burden of proving by a preponderance of credible evidence that good cause exists for the disciplinary action and therefore shall have the right to open and close the proceedings.

(E) *Order of Presentation and Right to Cross-Examination.*

- i. The hearing shall consist of opening statements on behalf of the City and the employee and testimony by witnesses called by the City and the employee, with both parties having the right to cross-examine witnesses and make closing statements.
- ii. Relevant exhibits may be introduced by either party and the chair shall take notice of the employee's personnel record.

(F) *City Employees as Witnesses.*

- i. Any employee can be asked to appear as a witness for either party.
- ii. It shall be the duty of an employee requested to testify to do so as to any facts which may be relevant to the appeal.

3. Post-Hearing Rules and Procedure.

- (A) The delegate(s) shall deliberate, prepare and forward written findings and recommendations to the City Administrator within ten (10) working days after the close of the hearing.
- (B) The City Administrator shall mail his or her decision to the employee within ten (10) working days following the receipt of the findings and recommendations from the delegate(s).
- (C) If the City Administrator has heard the appeal, he or she shall mail a written decision to the employee within ten (10) working days after the close of the hearing.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2989-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2989-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to Section 5-Violence in the Workplace previously categorized as Compensation and Classification Plan.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 5–VIOLENCE IN THE WORKPLACE PREVIOUSLY CATEGORIZED AS COMPENSATION AND CLASSIFICATION PLAN

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual’s adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to Section 5-Violence in the Workplace previously categorized as Compensation and Classification Plan to the Personnel Manual attached in Exhibit “A” to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to Section 5-Violence in the Workplace previously categorized as Compensation and Classification Plan to the Personnel Manual attached in Exhibit “A” to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

5. VIOLENCE IN THE WORKPLACE.

5-1. Purpose.

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

5-2. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings set out in this section, unless the context clearly indicates otherwise:

Harassment. Conduct that is unwelcome and may create an intimidating, hostile or offensive work environment.

Intimidation. Actions that are intended to influence another's behavior by use of fear.

Physical attack. Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, biting, spitting, and throwing objects.

Property damage. Intentional damage to property, which includes property owned by the City, employees, citizens or other persons.

Threat. The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard as to whether the party communicating the threat has the present ability to carry it out and without regard as to whether the expression is contingent, conditional or future.

Workplace violence. Includes but is not limited to harassment, ***intimidation***, threats, physical attack or property damage.

5-3. Prohibited Actions.

- (a) 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 law enforcement agency policies.
- (b) No employee or third party, excluding law enforcement personnel is permitted to bring weapons or firearms into the workplace, ~~or onto the City's property~~, or within City vehicles.
- (c) Any person who poses a threat to himself or others shall be removed from the premises and shall remain off City premises pending notification from the respective Department Head, City Administrator or other authorized personnel.
- (d) The City will initiate an appropriate response that may include, but is not limited to, reassignment of job duties, suspension or termination of employment, suspension

and/or termination of any business relationship, and/or criminal prosecution of the person or persons involved.

~~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 law enforcement agency policies, and for EMS personnel acting within department policy and protocols, and within the line of duty.~~

5-4. Employer Responsibilities.

- (a) The City will issue a copy of this policy to all employees. This policy will be provided to new employees during orientation.
- (b) The City shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (c) The City understands the sensitivity and confidentiality of the information requested (threats, restraining orders, property damage, harassment, etc.) and recognizes and will respect the privacy of the reporting employee(s) to the extent authorized by law.

5-5. Employee Responsibilities.

- (a) 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 also 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.
- (b) Any employee having knowledge of workplace violence involving any other employee (as victim or perpetrator) must report such an act to a supervisor immediately. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the episode.
- (c) All 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.
- (d) Employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (e) 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.
- (f) Suggestions for improvements in safety may be channeled through supervisors, the Department Head or Human Resource Manager.

5-6. Implementation.

Managing a potentially violent situation:

- (1) Employees are expected to assist the general public and fellow employees in a courteous manner, but not subject themselves to abusive conduct if:
 - (A) Confronted by a distraught, harassing or abusively angry person. If a person becomes angry or abusive, the employee should courteously attempt to calm the person down. If that does not work, the employee shall ask a supervisor to intervene.
 - (B) Confronted by a person threatening bodily harm. 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 supervisor is not aware of the situation, the employee must notify the supervisor as soon as it can be done safely.

- (2) Employees who work in the community are at higher risk of workplace violence.
 - (A) Uniformed officers should always wear bullet-proof vests while on duty.
 - (B) If practicable, field employees will be issued a form of communication, such as cellular phones or radios.
 - (C) Employees are instructed not to enter any location if they feel unsafe unless it is necessary.
 - (D) Employees should utilize the “buddy system” when appropriate.
 - (E) Non-law enforcement personnel should ask the police for assistance if warranted.
 - (F) Require field staff should keep a contact person informed of their location.

5-7. Reporting Incidents.

- (a) Each incident of violent behavior, whether committed by another employee or an external individual, must be reported to a supervisor or Department Head. The incident will be assessed and investigated and the Department Head shall determine the appropriate action to be taken. The Human Resource Manager must be informed of all reported incidents of workplace violence.
- (b) 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.

5-8. 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 Human Resource Manager.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2990-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2990-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to Section 6-Substance Abuse previously categorized as Violence in the Workplace.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO SECTION 6-SUBSTANCE ABUSE PREVIOUSLY CATEGORIZED AS VIOLENCE IN THE WORKPLACE

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to Section 6-Substance Abuse previously categorized as Violence in the Workplace to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to Section 6-Substance Abuse previously categorized as Violence in the Workplace to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

6. SUBSTANCE ABUSE.

6-1. Statement of Purpose.

The purpose of this policy is to set consistent and clear-cut guidelines for the handling of substance abuse cases involving City employees. Through implementation of this policy, the City intends to provide a drug/alcohol-free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. It is the intent of this policy to approach substance abuse from the point of view that drug and alcohol dependencies are medical and behavioral problems which can and must be treated. In appropriate cases, disciplinary action will be taken in accordance with the provisions of this policy and the disciplinary policy. Nothing in this policy is intended nor shall be construed as a limitation on the power and authority of the City to take disciplinary action under any applicable provision of the disciplinary policy.

Responsibility of the employee. It is the individual responsibility of each employee and applicant for employment to read, understand and abide by the provisions of this policy. Any questions you have about the application of this policy may be directed to supervisory personnel within your own department or to the Human Resource department.

Employees with substance abuse problems must understand that they are personally responsible for seeking evaluation and undertaking rehabilitation. The City encourages such employees to seek help through the employee assistance program, which will be administered in a manner to provide confidentiality for those who seek treatment. Any employee who is aware that he is dependent upon alcohol or drugs and who either voluntarily admits his dependency to his departmental supervisor or voluntarily seeks treatment through the employee assistance program for his problem shall not be subject to discipline for having admitted that he has such a problem, nor for seeking treatment for such a problem.

Those employees who conceal substance abuse problems from supervisors and do not voluntarily seek help through the employee assistance program place their employment with the City in jeopardy. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct either on or off duty, or causes the employee to become involved in criminal activity or proceedings, the employee will be subject to formal discipline as prescribed in this policy and in accordance with the disciplinary policy.

Employees who are ordered by supervisory personnel to seek treatment for substance abuse problems through the employee assistance program may also be subject to formal discipline for actions which are in violation of this policy.

Responsibility of the City of Raytown. Management for the City recognizes that cooperation between employees and management is essential in dealing with the problems caused by substance abuse. The official policy of the City shall be to encourage and assist City employees in voluntarily seeking treatment for substance abuse problems through the employee assistance program. In appropriate cases, as an alternative to or in conjunction with formal disciplinary proceedings, an employee may be ordered to seek assistance for substance abuse problems through the employee assistance program. The employee assistance program will be administered in accordance with the specific provisions set out in subsequent sections of this policy.

6-2. Application of this Policy; Definitions.

The provisions of this policy shall apply to all employees of the City and to all applicants for positions with the City. The City shall apply this policy in a manner which is consistent with its obligations under state and federal law.

The terms “controlled substance”, “deliver,” “drug”, “drug paraphernalia”, and “manufacture” as used herein, shall have the same meanings as set out in Chapter 195, RSMo. The terms “controlled substance” and “drug” as used herein shall in all instances include prescription drugs, unless specifically excluded.

The term “drug test” shall refer to a urinalysis or other alternative test, consisting of an initial screening test followed by a confirmatory test in the event the results of an initial screening test are positive.

The term “alcohol test” shall refer to testing of a sample of breath or blood to determine the percentage by weight of alcohol in the blood of the tested subject.

The term “Intoxicants” shall include any beverage or substance containing alcohol for human consumption.

The term “Public safety position” shall include all positions falling within the following categories: (a) law enforcement officers; (b) jail detention officers.

The term “Public health position” shall include all health services positions in which the job duties require an employee to: deliver or assist in the delivery of hands-on diagnosis or treatment of patients; operate, repair, maintain, or sterilize equipment used in the delivery of health care services; prepare, dispense, stock, or otherwise handle prescription drugs.

The term “Equipment handling position” shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment such as dump trucks, solid waste packer trucks, tractors, bulldozers, earth scrapers, road graders, large backhoes, front end loaders, street sweepers, tank trucks, or any other type of heavy duty self-propelled equipment, excluding automobiles and pickup trucks.

The term “Reasonable suspicion” shall refer to a suspicion based upon objective facts and circumstances from which an ordinarily careful and prudent supervisor could conclude that an individual is in possession of or under the influence of drugs or alcohol while on City property or while on duty. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to: (a) a pattern of abnormal or erratic behavior while on duty; (b) information provided by a reliable and credible source; (c) direct observation of drug or alcohol possession or use; (d) presence of the physical symptoms of drug or alcohol use; such as glassy or bloodshot eyes, odor of intoxicants on breath, slurred speech, poor balance, poor coordination, or impaired reflexes; (e) an admission of possession or use of drugs or alcohol by the employee.

The term “Employee” means a person appointed to a position in the municipal service for which he is compensated on a full-time or part-time basis. The term employee refers to both male and female employees, and the use of the pronouns “he” and “his” in this policy shall in all instances be read to refer to both male and female employees.

6-3. Prohibited Acts and Disciplinary Actions.

- (a) *Grounds for disciplinary action or denial of employment.* Applicants for employment may be denied employment, and employees may be subject to disciplinary action, up to and including dismissal from employment, for commission of any of the following acts:
- (1) Reporting for work, performing work, or applying for work while under the influence of illegal drugs, prescription drugs, or intoxicants;
 - (2) Using, selling, possessing, manufacturing, or delivering controlled substances or drug paraphernalia at any time or place except as authorized by law, whether on or off duty;
 - (3) Consuming intoxicants while on duty, or possessing intoxicants on City property with the intent to consume them while on duty, except in cases where such consumption is permitted or required in the line of duty;
 - (4) Providing or selling intoxicants to any other person while on duty, except in cases where such activity is permitted or required in the line of duty;
 - (5) Testing positive for the presence of drugs or alcohol following completion of testing procedures authorized by Section 7 of this policy;
 - (6) Failing or refusing to submit to a test sample within two (2) hours after the time a request for a test sample was made, causing or attempting to cause the adulteration of a test sample, submitting or attempting to submit a false test sample, or otherwise obstructing the process of testing for the presence of drugs or alcohol.
- (b) *Termination specifically authorized; when.* Termination of an employee shall be specifically authorized when:
- (1) The employee has sold or attempted to sell controlled substances, whether on or off duty;
 - (2) The employee has possessed or has manufactured a controlled substance under circumstances that create a reasonable inference that the employee intended to sell the controlled substance, whether on or off duty;
 - (3) The employee has used, or has been found to be [in] unauthorized possession of, illegal drugs while on duty; or the employee has been found to be on duty while under the influence of illegal drugs, prescription drugs, or intoxicants;
 - (4) The employee has failed or refused to submit a test sample within two (2) hours after the time a request for a test sample was made, has caused or attempted to cause the adulteration of a test sample, or has submitted or attempted to submit a false test sample following a request for submission of a test sample.

- (5) The employee has previously been ordered by the appointing authority to seek treatment for a substance abuse problem through the employee assistance program or any treatment facility, and has subsequently committed a new offense involving substance abuse which would constitute grounds for discipline under the provisions of this policy.

- (c) *Disciplinary action shall be independent of all other proceedings.* Disciplinary action which may be undertaken pursuant to this policy and the provisions of the disciplinary policy shall constitute an independent administrative action against the employee involved, and shall not be dependent upon or controlled in any manner by any other civil, administrative, or criminal proceedings which are or may be instituted against the employee.

6-4. Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances Will Be Tested for.

- (a) Pre-employment testing. Effective as of the date of the adoption of this policy:
 - (1) A copy of this policy shall be provided to each applicant for employment, who shall sign and date the attached "Receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing" form, which shall then be made a permanent part of the applicant's file. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.
 - (2) All applicants shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the testing procedures herein set out, except that City employees who apply for such positions and who have successfully completed testing as a condition of employment with the City shall not be subject to retesting under this subsection. Those applicants subject to mandatory testing who are conditionally appointed to a public safety, public health, or equipment handling position with the City shall be required to undergo drug testing within the fourteen (14) days following their conditional appointment to a position. The mandatory testing provisions of this subsection shall not apply to the promotion or transfer of a public safety, public health, or equipment handling employee within his own department.
 - (3) Applicants who test positive for the presence of drugs or alcohol may be denied employment.

(b) *Testing of current employees.* Effective as of the date of the adoption of this policy:

- (1) A copy of this policy shall be provided to every City employee, and each employee shall be required to sign and date the attached receipt form, which shall then be made a permanent part of the employee's personnel file. This form shall be competent evidence in any subsequent proceedings that the employee has received notice of the provisions of this policy.
- (2) All current City employees shall be subject to testing for the presence of drugs, including prescription drugs, and alcohol upon reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A request for the testing of an employee may be initiated by any supervisor who has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. Testing shall be authorized if the request is approved by the highest ranking departmental supervisor available to review the request for testing. Those supervisors with authority to approve a request for testing include Department Heads, assistant Department Heads and division heads; and police majors.
- (3) An employee who has been ordered to seek treatment for a substance abuse problem through the employee assistant program shall be subject to random testing for the presence of drugs or alcohol during the twelve-month period following the date of the notice of referral to the EAP.
- (4) An employee who is injured in ***an accident or suffers a work-related illness during*** the course of work shall be tested for the presence of drugs and alcohol. Please note: A drug-screen is required for any workers' compensation claim in which the employee wishes to be made whole by the City. Claims without a drug screen will be processed as required by Missouri Statute.
- (5) An employee who is involved in a property damage or personal damage accident while on duty shall be tested for the presence of drugs and alcohol.

(c) *Substances to be tested for.* Testing may be administered to detect the presence and concentration of any substance which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect. Those substances may include, but are not limited to: alcohol, amphetamines/methamphetamines ("speed"), barbiturates ("downers"), benzodiazepines (tranquilizers, such as valium and librium), cannabinoids (marijuana, hashish), cocaine methadone methaqualone (quaaludes), opiates (codeine, heroin, morphine), phencyclidine (PCP, "angel dust"), and propoxyphene (darvon).

Drugs not otherwise listed may be tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer's specifications for the particular test kit or method to be used.

6-5. Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program.

- (a) *The testing agency.* Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice. All testing shall be performed in accordance with accepted scientific standards. Due care shall be taken by the testing agency to respect the dignity and privacy of individuals required to give test samples. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The testing agency shall be required to retain unused portions of each test sample that has initially shown a positive result for the presence of drugs or alcohol in order that additional testing may be performed on the sample on behalf of the tested employee.
- (b) *Confidentiality of testing information.* All information regarding the testing of applicants and employees shall be confidential. Laboratory reports and test results shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential medical folder that will be securely kept under the control of the Human Resource Manager who is authorized to release the contents of the confidential medical folder only on a strict need-to-know basis to management-level members of the staff of the personnel office, the law department, and the employee's department; to the Board of Aldermen upon request of the Board; and to the tested employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.
- (c) *Confirmation of test results.* A test sample which initially yields a positive result shall be tested a second time using a gas chromatography/mass spectrophotometry (GC/MS) test. If the second test confirms the initial positive test result, the employee or applicant shall be notified of the results in writing. The notification shall identify the particular substance or substances found, and shall specify the concentration level. An employee or applicant whose second test confirms the original positive test result may, at his own expense, have additional testing conducted on the original test sample at a qualified laboratory of his own choosing.
- (d) *Consequences of a confirmed positive test result.*
 - (1) *Job applicants.* Job applicants will be denied employment with the City if an initial positive test result has been confirmed by the GC/MS test.
 - (2) *Current employees.* An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response shall include, but are not limited to: (a) the employee's work history, including length of employment, current level of job performance, past disciplinary actions imposed, including a consideration of whether the employee has been previously disciplined or referred to treatment for

substance abuse problems; (b) the job classification of the employee; (c) the specific circumstances which caused the testing to be required, including a consideration of whether the employee's actions caused injury to property or to any person, or created an unreasonable risk of injury to property or to any person; (d) previous efforts on the part of the employee to deal with his substance abuse problem; and (e) the degree to which continued employment of the individual would either enhance or impair the ability of the affected City department to deliver safe and efficient service to the community, including a consideration of whether public trust and confidence in the City service would be adversely affected.

- (e) *Mandatory referral to the employee assistance program.* As an alternative to or in conjunction with formal disciplinary proceedings which may be instituted against an employee for a violation of the provisions of this policy, an employee may be ordered to seek assistance for a substance abuse problem through the employee assistance program. The appointing authority is authorized, in appropriate cases, to suspend the imposition of formal discipline (dismissal, demotion, reduction in compensation, suspension without pay) for a period not to exceed one (1) year, pending the successful completion of assessment, counseling, and rehabilitation by the employee. Written notice of mandatory referral to the employee assistance program shall be given to the employee.

In the event the employee does not complete assessment, counseling, or rehabilitation, the appointing authority may, within the one-year period following the date of written notice of mandatory referral to the EAP, impose such formal discipline as is authorized under this policy and the disciplinary policy for the offense involved. No formal discipline may be imposed for the underlying offense more than one (1) year after notice of mandatory referral to the EAP.

- (f) *Expungement of drug and alcohol testing records.* Upon written request by the tested employee, all records relating to a request for and the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the testing were negative; provided, that if the employee who has been tested files an appeal, the records shall be preserved until the conclusion of all proceedings arising out of the appeal. This subsection shall not apply to pre-employment testing authorized under this policy, and the results of pre-employment testing shall remain a permanent part of an employee's file.

6-6. Employee Assistance Program.

- (a) *Administration of the EAP.* The employee assistance program will be administered by the Human Resource department. The Human Resource Manager shall develop necessary procedures to maintain confidentiality of records and to ensure that the functions of the employee assistance program are properly carried out.
- (b) *Functions of the EAP.* The employee assistance program will function primarily as an intake and referral service for those employees who have either voluntarily sought help for substance abuse problems or who have been directed by the appointing authority to seek assistance through the program. The Human Resource Manager will compile and maintain all information and records necessary to the task of referring employees to

substance abuse treatment services, programs, and institutions in the community. The Human Resource Manager will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of employee health care or other applicable benefit plans, including use of leave time.

- (c) *Employee use of leave time while seeking and receiving treatment through the EAP.* Employees who are receiving treatment for substance abuse problems through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave and vacation time ~~and compensatory time~~. Should an employee who is receiving treatment through the EAP prefer to take a leave of absence without pay rather than utilize accumulated leave time; or should an employee exhaust all available leave time prior to receiving medical clearance to return to his work duties, the employee may request a leave of absence without pay, in accordance with the leave of absence and benefits policy. Such a request will be considered in light of all the circumstances of the case, including but not limited to the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his substance abuse problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such cases.
- (d) *EAP records to be held in confidence.* All information regarding mandatory referrals to the employee assistance program shall be confidential. Records of EAP shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential folder that will be securely kept by the Human Resource Manager. The Human Resource Manager is authorized to release the contents of the confidential folder only on a strict need-to-know basis to management-level members of the staff of the law department, the Human Resource office, and the employee's department; to the whole Board of Aldermen upon request of the Board; and to the employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.

~~6-7. Appeal Rights.~~

~~An employee who receives formal discipline (dismissal, suspension without pay, demotion, reduction in compensation) for violation of the provisions of this policy is entitled to the appeal rights granted in the review policy, if applicable.~~

6-7. Statement of Intent to Comply with the Requirements of the Drug-Free Workplace Act.

In addition to the provisions stated in the text of the substance abuse policy of the City, and in accordance with the requirements placed on the City by the provisions of the Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, all employees of every department of the City are hereby notified as follows:

- (a) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about, or within any property which is owned, leased, operated, used, maintained or occupied by the City of Raytown, Missouri, as a vehicle or site for the performance of work done in connection with a specific federal grant. Employees who violate this prohibition will be subject to disciplinary action up to and including termination; or mandatory referral for substance abuse assessment, counseling, and rehabilitation; or a combination of these actions, in accordance with the provisions of the substance abuse policy of the City.
- (b) In furtherance of the City's obligation to provide a drug-free workplace, the Human Resource Manager shall establish a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The City's policy of maintaining a drug-free workplace;
 - (3) Available sources for drug counseling, rehabilitation, an employee assistance program for substance abuse problems; and
 - (4) The penalties which may be imposed on employees who commit drug abuse violations in the workplace.
- (c) Every employee who is engaged in the performance of any work connected with a federal grant shall be provided with a copy of this statement and of the substance abuse policy of the City.
- (d) Every employee who is engaged in the performance of any work connected with a federal grant shall, as a condition of employment under the grant:
 - (1) Abide by the terms of this statement and of the substance abuse policy of the City;
 - (2) Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (e) The City will notify the federal agency through which a grant is administered within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

- (f) The City will take one (1) or more of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Impose appropriate personnel action against such an employee, up to and including termination;
 - (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

- (g) The City will make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of this statement and of the substance abuse policy of the City.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2992-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2992-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to the stand-alone On-Call Policy.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist.

Attached is the policy recommended following attorney review. However, the concerns indicated by Audrey Odermann, with the City's Audit firm, Mize Houser & Company, are not incorporated as Board direction is needed regarding Ms. Odermann's concerns addressed in her letter which is included with the Personnel Manual Legal Review Memo.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE ON-CALL POLICY

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the On-Call Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to On-Call Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On-Call Policy	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The on-call period will start at a day and time as determined by each department.

The on-call period for each day in which the staff member is to be on standby, but has worked a regular shift, will begin immediately upon the end of said regular shift.

Hourly staff that carry a cell phone or pager for the purpose of responding to after-hours calls (on-call) shall be paid one (1) dollar per-hour standby pay for each hour they are on standby and not on regular paid status. **This paragraph does not apply to personnel in the police department.**

When called and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.

When called and the need to respond to work is confirmed, the on-call employee shall remain on standby status until they have reported to their regular location of work or the call location, as determined by each department. When the on-call employee has reported for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.

Overtime pay will not take effect until the employee has worked the required forty (40) hours in a single work week, including any calls out. Standby pay, vacation, sick leave, and holiday pay do not count toward the overtime threshold.

Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls out. Standby pay, vacation, sick leave and holiday pay do not count toward the overtime threshold.

The following exceptions to the rules above apply as follows:

- (1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.
- (2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.
- (3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.
- (4) Standby pay ends when either a callout begins or the employee is otherwise on the clock (paid status). Total pay may not exceed twenty-four (24) hours of standby and paid status in a twenty-four (24) hour period.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On-Call Policy (Continued)	Board of Aldermen	Jan 1, 2017	12-21-2016

No individual shall be on-call for more than two consecutive weeks without at least a one-week break.

The person on-call shall return any call or page within fifteen (15) minutes. The person on-call shall, if called out, report for duty within one (1) hour.

The on-call team shall maintain the ability to report to work without impairment during the entire length of the tour of duty.

It shall be the discretion of each department and its Department Head thereof to determine what constitutes a call that requires a person to report for duty. Every person who may be on-call shall know the calls for which they must respond back to work according to their department policies.

In the case of an injury accident involving a City vehicle or equipment or other property damage, a supervisor must be called and respond to the scene ***if possible***.

In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.

When there is a real probability that the media may try to interview the on-call employee, all questions shall be directed to the supervisor and/or Department Head or his/her designee (***example: Public Information Officer***)

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2993-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2993-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to the stand-alone On-Call Policy-Police Department.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist.

Attached is the policy recommended following attorney review. However, the concerns indicated by Audrey Odermann, with the City's Audit firm, Mize Houser & Company, are not incorporated as Board direction is needed regarding Ms. Odermann's concerns addressed in her letter which is included with the Personnel Manual Legal Review Memo.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO AN ON-CALL POLICY-POLICE DEPARTMENT

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the On-Call Policy-Police Department to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to On-Call Policy-Police Department to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On Call Policy – Police Department	Board of Aldermen	Jan 1, 2017	12-21-2016

~~POLICY STATEMENT:~~

~~The on-call period for personnel will begin immediately upon the end of said regular shift or as designated by the appropriate call rotation schedule.~~

~~When on-call personnel are contacted and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.~~

~~When the on-call employee has been called to report for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.~~

~~Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls-out. Vacation, sick leave and holiday pay do not count toward the overtime threshold.~~

~~The following exceptions to the rules above apply as follows:~~

- ~~(1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.~~
- ~~(2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.~~
- ~~(3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.~~
- ~~(4) Work duties that occur outside of an employee's regular work day, but are not initiated by a call-out, will be compensated for the actual time worked.~~
- ~~(5) The above listed compensation rules shall also apply to personnel who respond to an emergency call-out who are not the primary on-call personnel (Investigations, crisis negotiation, SWAT, PIO, etc).~~

~~The person on-call shall return any call or page within fifteen (15) minutes. The person on-call shall, if called-out, report for duty within one (1) hour.~~

~~On-call personnel shall maintain the ability to report to work without impairment during the entire length of the on-call period.~~

~~Initiation of a call-out is defined by applicable Department policy.~~

~~In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.~~

~~When there is a real probability that the media may try to interview the on-call employee, all questions shall be handled in accordance with Department policy 5.000.~~

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2994-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2994-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to the stand-alone Take Home City Owned Vehicle Policy.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist.

Attached is the policy recommended following attorney review. However, the concerns indicated by Audrey Odermann, with the City's Audit firm, Mize Houser & Company, are not incorporated as Board direction is needed regarding Ms. Odermann's concerns addressed in her letter which is included with the Personnel Manual Legal Review Memo.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TAKE HOME CITY OWNED VEHICLES POLICY

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the On-Call Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to On-Call Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Take-home On Call City owned vehicles	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

The use of City-owned vehicles shall be authorized for take home by command staff and those employees that are on an “on-call” status. The primary purpose of the vehicles shall be to facilitate an accelerated response to critical incidents, investigation of a major crime, or response for any City related after hours call out. Giving these employees the ability to respond and to be equipped with the necessary equipment can expedite response to emergency call outs. It will be at the discretion of the Department Head as to whether or not an employee’s on-call status merits the issuance of a City take home vehicle. All City-owned vehicles authorized for take-home usage **will-may** be equipped with GPS tracking devices to allow tracking by the City should the need arise.

When an employee uses a vehicle as an on-call vehicle, that employee shall ensure that the vehicle is loaded with all of the equipment that they could reasonable foresee will be needed to respond to their specific call-out status. All gear and/or weapons will be secured within the capabilities of the vehicle being used.

Due to the vehicles being loaded with sensitive gear and/or weapons, it is preferred that, while not in use, the vehicles be secured in a garage at the employee’s residence.

It is recognized that the vehicle may be needed to conduct reasonable tasks that are not directly work related. This might include trips to a pharmacy, grocery store, etc. Such use will be authorized as long as the destinations are a relatively short distance from the employee’s residence or during commutes to/from work. All equipment shall be properly secured while the vehicle is used in such manner. Passengers in take home vehicles are subject to the same restrictions outlined in the City policy on vehicle usage.

When using a City owned vehicle to respond to an incident in an emergency capacity, the employee shall follow all laws, rules and regulations that govern the operation of an emergency vehicle.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Use of City-Owned/Leased Vehicles	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

City-owned vehicles are to be used for official City business only. Assignments of City vehicles are subject to the approval of the City Administrator.

Vehicles cannot be used to transport other family members or to attend to personal errands. Passengers in City vehicles are allowed when their presence relates to City business.

Exceptions to this policy may be made with approval by the City Administrator.

Mileage from Home to Work in City Vehicles. The use of a City vehicle to commute to and from work is considered a taxable benefit per IRS guidelines. For tax purposes, those employees authorized to take a City vehicle home will be taxed based on IRS regulation 26 CFR 1.274-5. This tax will be calculated each payroll. (Subject to change with IRS regulations.)

Responsibility of Drivers. Employees operating City vehicles are expected to practice all safety precautions when utilizing a City vehicle. Any employee operating a City vehicle must have an applicable valid driver's license which must be on or accompanying the employee when driving such a vehicle. Seat belts shall be worn by all City employees and passengers while operating or riding in a City vehicle in accordance with State Statutes. Employees may not write, send or read written communications on their wireless communication device while driving. This prohibition includes, but is not limited to, text messages, instant messages, and electronic mail. Failure to comply with these policies may subject the employee to disciplinary action up to and including termination.

Accidents Involving City owned Vehicles. If an employee has an accident while operating a City-owned vehicle which results in personal injury or property damage, the employee shall notify the Police Department immediately and then notify his supervisor. This should be done regardless of how minor the accident appears. The employee shall ~~insist~~ request that all parties and property concerned remain at the scene of the accident until police officers can investigate the incident. The employee shall take a mandatory drug test within two hours of an accident involving a City-owned or leased vehicle. Supervisors shall report all accidents to the City Clerk.

Use of Private Vehicles for City Business. If employees are required to use a personal car in the performance of official duties for the City, they may receive a mileage rate as established by the Internal Revenue Service. Expenses for mileage must be submitted to and approved by the employee's Department Head or the City Administrator in the case of a Department Head. Personal injuries may be covered under the Workers' Compensation program; however, damage to personal property is not covered or reimbursed by the City. Adequate auto insurance is required and documentation of coverage may be requested at any time.

Driver License Reviews. The City reserves the right to annually review the driving record of all employees who are authorized to drive a City vehicle or who receive an automobile allowance and are required by their job description to hold a valid driver's license. This screening takes place in order to protect the City and its citizens from liability in the event that a City employee has an accident and someone is injured or property is damaged and to help ensure accountability and responsibility for safe driving when public funds are involved.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2995-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2995-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to the stand-alone Time Clock Policy.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TIME CLOCK POLICY

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the Time Clock Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to Time Clock Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Time Clock Policy	Board of Aldermen	Dec. 1, 2013	12-21-2016

POLICY STATEMENT:

All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in/out for payroll and attendance purposes. The time clock records will be used to track attendance for the exempt employee.

Employees are required to clock in/out at the time clock located in their department using their time clock badge or from their city computer. If there is a problem with the time clock, the employee should notify the supervisor and the supervisor will manually clock the employee in.

Employees should clock in no sooner than 10 minutes before the scheduled shift and clock out no later than 10 minutes after the scheduled shift. Nonexempt office employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day. Those employees who are not provided a lunch break or those who work in the field will follow the policy of their assigned departments for lunch breaks. Nonexempt employees are not permitted to perform any work while not clocked in.

If the employee misses an entry into the timekeeping system, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee’s work hours via the manager time clock portal. Employees who consistently miss time clock entries will be subject to disciplinary action.

Nonexempt employees are permitted to work overtime with prior authorization from the supervisor. Overtime includes clocking in early, late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.

Employees may not use another employee’s badge to clock in or clock in for another employee. Employees who have lost a badge will report the lost badge to the facilities and payroll departments. The employee will be issued a new badge with the same employee and department numbers. A new code will be assigned to the new badge. Payroll will notify each department of new badge codes each pay period.

Supervisors are free to use discretion in disciplinary actions when employees violate the time keeping policy and/or procedure. This could include situations where employees may have clocked in, but are repeatedly absent from their work station during work hours or have missed time clock entries in addition to working unscheduled overtime.

CITY OF RAYTOWN
Request for Board Action

Date: July 28, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Amended Resolution No.: R-2996-17

City Administrator Approval: _____



Action Requested: Amend Resolution R-2996-17 and authorize and approve amendments to the Employee Personnel Manual Revised on December 20, 2016 relating to the stand-alone Tuition Reimbursement Policy.

Analysis: The current Employee Personnel Manual was adopted by the Board of Aldermen pursuant to Resolution R-2925-16 on December 20, 2016. Per the City Code, the City Administrator is to recommend policy to the Board of Aldermen for consideration and approval.

After the current Personnel Manual's adoption, the previous Employee Committee representing each department reconvened to further review the adopted manual. During the review, there were some suggested changes.

At the June 20, 2017 Board of Aldermen meeting during the review of suggested changes, staff was directed to obtain legal review of the Personnel Manual. The entire manual was reviewed by Matt Gist of Ensz & Jester and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist. The changes are outlined in the attachment.

AN AMENDED RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE CITY OF RAYTOWN PERSONNEL MANUAL ADOPTED DECEMBER 20, 2016 RELATING TO THE TUITION REIMBURSEMENT POLICY

WHEREAS, on December 20, 2016 pursuant to Resolution R-2925-16 the Board of Aldermen approved an Employee Personnel Manual; and

WHEREAS, after the current Personnel Manual's adoption, an Employee Committee representing each department reconvened to further review the adopted manual and there were some suggested changes; and

WHEREAS, at the June 20, 2017 Board of Aldermen meeting direction was given to staff to obtain legal review of the entire Personnel Manual; and

WHEREAS, the entire manual was reviewed by Matt Gist of Ensz & Jester P.C. and individual policies were reviewed by Audrey Odermann of Mize Houser & Company, P.A. at the direction of Mr. Gist; and

WHEREAS, the Board of Aldermen desire to authorize and approve the amendments to the Tuition Reimbursement Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto.

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

THAT, the Board of Aldermen desire to authorize and approve the amendments to Tuition Reimbursement Policy to the Personnel Manual attached in Exhibit "A" to be used by the City of Raytown in its day-to-day operations as attached hereto; and

FURTHER THAT the City Administrator and City Clerk are authorized to execute other documents necessary and incidental thereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approve as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Tuition Reimbursement Policy	Board of Aldermen	Jan 1, 2017	08-01-2017

POLICY STATEMENT:

The City of Raytown, Missouri (hereinafter "City") is committed to providing an incentive for City employees to enhance their knowledge, skills and job performance, and at the same time, increase their value to the City as their employer.

Procedure:

The City provides limited, qualifying tuition reimbursement for college and technical school coursework to City employees pursuant to the following procedures and criteria:

- (1) The employee must submit a written request to his/her department head, prior to enrolling in the class, stating the name of the class, the cost and how it will enhance his/her job performance with the City. The employee also must sign the Employee Educational Tuition/Fees Reimbursement Agreement and Withholding Authorization.
- (2) If approved by the department head, this request will be passed on to the City Administrator. The employee will be notified, in writing, whether the request has been approved or denied by the City Administrator.
- (3) If approved by the City Administrator, the City will reimburse the employee the cost of tuition or enrollment fee upon proof of successful completion of the class and documentation of the paid fees. Successful completion of the class will be determined by a grade of "C" or better in college course work, pass in pass/fail courses, or a certificate designating the successful completion of all requirements set forth by the Technical School.
- (4) Reimbursement shall be limited to one three-hour college course per term, or one technical school course per term. Reimbursement requests will be handled on a first come first served basis while funding is available. ***"Term" shall be defined as a college semester or the duration of the single course.***
- (5) The City will not reimburse employees for tuition otherwise paid by grants, scholarships, military education programs or funding from other sources.

EMPLOYEE EDUCATIONAL TUITION/FEE'S REIMBURSEMENT AGREEMENT

This Agreement is made this date _____, between the City of Raytown, hereinafter "City" and _____, hereinafter "Employee."

As part of this Agreement, in accordance with the Tuition Reimbursement policy, if termination of employment occurs, either voluntarily or involuntarily, within one year from the date the employee is reimbursed for the class, the employee shall be responsible for reimbursing the City of Raytown the cost of the tuition and/or enrollment fee. ~~By signing this form you are agreeing for the City to deduct the amount owed from any paycheck(s) remaining after notice of termination is provided.~~ **After notice of termination is provided, by signing this form you are agreeing for the City to deduct the amount owed from any paycheck(s) remaining up to the limits as provided in the Fair Labor Standards Act (FLSA).** The employee is responsible for any costs exceeding his/her total paycheck(s). The City reserves the right to charge interest on any unpaid balance from the date the final paycheck is issued. The City shall also be entitled to reimbursement of all costs associated with collection, including attorney's fees as permitted by law.

Nothing contained in this Agreement shall alter the status of the employee's employment with the City, which is "at will". The employee acknowledges and understands that employment is of no specific duration and can be terminated at any time by either the employee or the City, with or without cause, for any reason or no reason, at any time. The employee acknowledges and agrees that any representations to the contrary are unauthorized and void.

Employee Signature

Date

Department Head Signature

Date

WITHHOLDING AUTHORIZATION

~~I, _____, hereby authorize the City of Raytown to withhold from my last paycheck any amount due under the Employee Educational Tuition/Fees Reimbursement Agreement that I entered with the City of Raytown.~~

~~DATE RANGE OF CLASS: _____~~

~~TITLE OF CLASS: _____~~

~~TOTAL COST OF CLASS: \$ _____~~

~~I understand that if my employment with the City is terminated, voluntarily or involuntarily, within a year of reimbursement of this class, the amount withheld from my last paycheck(s) will be
\$ _____~~

Date

Employee Signature

Application Form

Tuition Reimbursement

Training Institution: _____

Degree/Certification Program (if any): _____

To be eligible for reimbursement, training must be directly related to skills needed by the City. To which position(s) does this training apply and how will it help improve your performance of duties and/or personal safety/welfare?

Classes: _____	Credit Hrs _____	Cost \$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Class Description(s):

Dates of Enrollment: From: _____ To: _____

I have read and agree to the terms of the City of Raytown Tuition Reimbursement Policy.

Employee Date

Approved:

Department Head Date

City Administrator Date

CITY OF RAYTOWN
Request for Board Action

Date: July 31, 2017
To: Mayor and Board of Aldermen
From: Captain Michelle Rogers

Resolution No.: R-3008-17

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____

Action Requested: Reallocate \$11,087.64 of \$30,000.00 that was budgeted for an HVAC system in the Police Department Evidence room to purchase two 70 TB SAN devices for body camera footage storage and approve expenditures in excess of \$15,000.00 from CDW.

Recommendation: Approve the budget adjustment

Analysis: The video from our Body Worn Cameras is currently utilizing 14 terabytes (TB) of storage space. The agency is uploading approximately 1 TB of data per month. The current storage space is over 80% full, suggesting that in approximately 90 days, the allotted media storage space will be completely full. We are requesting to purchase two storage area network devices for a total cost of \$11,087.64. This was not a budgeted expense; however, we budgeted \$30,000.00 for an HVAC System in the Evidence Room that was actually completed under a Public Works project. We are requesting to use \$11,087.64 of the \$30,000.00 from Capital Sales Tax – 205-32-00-100-53250 to make the purchase of two 70TB SAN devices.

We are requesting to purchase this from CDW-G – As they were the best and lowest bid. The Raytown Police Department often makes purchases from CDW. CDW is a leading multi-brand technology solutions provider to business, government, education and health care organization. They offer competitive pricing and are often the best bid.

We are anticipating spending approximately \$25,106.00 with CDW for this budget year. This is a budgeted expense for IT equipment.

This has been before the Sales Tax Oversight Committee.

Alternatives: Not purchase the storage devices and possibly suspend the use of the Body Worn Cameras.

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested: \$11,087.64

Funds:

Capital - \$11,087.64

Additional Reports Attached: Quote from CDW, MDL and Dell.

A RESOLUTION AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH CDW FOR THE PURCHASE OF COMPUTER EQUIPMENT IN THE AMOUNT OF \$11,087.64 AND AMEND THE FISCAL YEAR 2016-2017 BUDGET FOR A TOTAL AMOUNT NOT TO EXCEED \$25,106.00

WHEREAS, the City of Raytown Police Department has a need to purchase computer equipment for body camera footage storage;

WHEREAS, the Police Department received three (3) bids and has determined that the bid submitted by CDW in the amount of \$11,087.64 was the most advantageous bid received; and

WHEREAS, the Board of Aldermen find it is in the best interest of the City to authorize and approve the expenditure of funds with CDW in the amount of \$11,087.64 for computer equipment for body camera footage storage; and

WHEREAS, in order to complete the purchase of the necessary computer equipment for body camera footage storage it is necessary to amend the Fiscal Year 2016-2017 budget; and

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

THAT the Board of Aldermen find it is in the best interest of the City to authorize and approve the expenditure of funds with CDW for the purchase of computer equipment for body camera footage storage in the amount of \$11,087.64; for a total amount, not to exceed \$25,106.00 is hereby authorized and approved; and

FURTHER THAT, the Fiscal Year 2016-2017 Budget approved by Resolution R-2909-16 is hereby amended as follows:

Amount:	\$11,087.64
Fund:	Capital Sales Tax Fund-Unappropriated Cash Balance 205.32.00.100.53250

FURTHER THAT the City Administrator is hereby authorized to execute any and all documents and to take any and all actions necessary to effectuate the terms of the Agreement and exercise the authority granted herein on behalf of the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 1st day of August, 2017.

Michael McDonough, Mayor

ATTEST:

Approved as to Form:

Teresa M. Henry, City Clerk

Joe Willerth, City Attorney

QUOTE CONFIRMATION



DEAR CANDICE SCHWARZ,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
JCZV970	7/28/2017	JCZV970	11367521	\$11,087.64

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
QNAP TS-863U-RP - NAS server - 0 GB Mfg. Part#: TS-863U-RP-4G-US UNSPSC: 43201835 Contract: National IPA Technology Solutions (130733)	2	3905275	\$2,079.18	\$4,158.36
Seagate Enterprise Capacity 3.5 HDD V.6 (Helium) ST10000NM0086 - hard drive Mfg. Part#: ST10000NM0086 UNSPSC: 43201803 Contract: National IPA Technology Solutions (130733)	16	4464359	\$433.08	\$6,929.28

PURCHASER BILLING INFO		SUBTOTAL	\$11,087.64
Billing Address: RAYTOWN POLICE DEPARTMENT RAYTOWN POLICE DEPARTMENT 10000 E 59TH ST RAYTOWN, MO 64133-3915 Phone: (816) 737-6016 Payment Terms: Net 30 Days-Govt State/Local		SHIPPING	\$0.00
		GRAND TOTAL	\$11,087.64
		DELIVER TO Shipping Address: RAYTOWN POLICE DEPARTMENT RAYTOWN POLICE DEPARTMENT 10000 E 59TH ST RAYTOWN, MO 64133-3915 Phone: (816) 737-6016 Shipping Method: FEDEX Ground	

Need Assistance? CDW•G SALES CONTACT INFORMATION



Adrian Ramos-Carrillo

(877) 454-4226

adricar@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
 For more information, contact a CDW account manager

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Quote
Quote Number: 675

Payment Terms:
Expiration Date: 07/31/2017

Quote Prepared For

Michelle Rogers
Raytown Missouri Police Department
10000 E 59th Street
Raytown, MO 64133
Phone:816-737-6113
rogersm@raytownpolice.org

Quote Prepared By

Mark Dryer
MDL Technology
1102 Grand Avenue, Suite 1100
Kansas City, MO 64106
United States
Phone:816-781-3006
Fax:816.817.6802
mdryer@mdltechnology.com

Item# Quantity Item

One-Time Items

			Unit Price	Adjusted Unit Price	Extended Price
1)	2	QNAP TS-863U-RP SAN Rackmount storage area network device with 70 TB of drive space in RAID 5 array. Includes 8 hot swap 10,000 GB SATA drives. Quad Core CPU. 4 GB RAM.	\$6,923.00	\$6,923.00	\$13,846.00
One-Time Total					\$13,846.00
Subtotal					\$13,846.00
Total Taxes					\$0.00
Total					\$13,846.00

Authorizing Signature _____
Date _____

Interest Charges on Past Due Accounts and Collection Costs Overdue amounts shall be subject to a monthly finance charge. In addition, customer shall reimburse all costs and expenses for attorney's fees incurred in collecting any amounts past due. Additional training or Professional Services can be provided at our standard rates.

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Dell Storage NX3230 Summary

Dell Price \$13,107.56 $\times 2 = 26,215.12$

Starting at Price	\$23,004.00
Total Savings	\$9,896.44
Standard Delivery	Free

Dell Business Credit
 As low as \$394/mo.[^]
<http://www.dell.com/learn/us/en/04/agreements> |
 Apply (<https://www.dell.com/Financing/DFSMarcom?itemtype=CFG&s=bsd&l=en&cs=04&c=us&doc=dbc&ptype=dbc&dfsref=dbc>)
 Ships in 3-5 business days



Components

Option	Selection	SKU / Product Code	Quantity
Processor	Dell Storage NX3230, Intel®Xeon®E5-2609v3, 1.9GHz, 16GB Mem, Entry Config	[210-ADWY][325-BCJT][325-BCJY][329-BCZK][330-BBCO][338-BFFT][350-BBEW][350-BBGJ][370-AAIP][370-ABWF][370-ACNQ][370-ACNQ][370-ACPH][374-BBBX][374-BBHM][374-BBHT][384-BBBL][385-BBHN][400-AJPR][400-AJPR][405-AAEG][528-BBCY][631-AAAK][750-AAEL] / ENTRY	1
Operating System	Windows Storage Servers 2016 Standard Edition	[634-BKOD] / WS16ST	1
RAID	RAID 5 for H330/H730/H730P (4-12 HDDs)	[780-BBLK] / R5H	1
Hard Drive	10TB 7.2K RPM NLSAS 12Gbps 512e 3.5in Hot-plug Hard Drive	[400-ANVH] / SAS5P	8
Power Supply	Single, Hot-plug Power Supply (1+0), 750W	[450-ADWR] / 750NR	1
Power Cords	NEMA 5-15P to C13 Wall Plug, 125 Volt, 15 AMP, 10 Feet (3m), Power Cord, North America	[450-AALV] / 125V10	1
Network Daughter Card	Broadcom 5720 QP 1Gb Network Daughter Card	[540-BBBW] / 5720QP	1
Rack Rails	ReadyRails™ Static Rails for 2/4-post Racks	[330-5466] / STATIC	1
System Documentation	Electronic Documentation for PowerVault NX3230	[631-AACK] / EDOCS	1

Services

Option	Selection	SKU / Product Code	Quantity
Hardware Support Services	3Yr Basic Hardware Warranty Repair: 5x10 HW-Only, 5x10 NBD Onsite	[801-6736][801-6739][801-6780][801-6781][996-8029] / U30S	1

Option	Selection	SKU / Product Code	Quantity
Deployment Services	No Installation	[900-9997] / NOINSTL	1
Remote Consulting Services	Declined Remote Consulting Service	[973-2426] / NORCS	1
Keep Your Hard Drive	None		1

Also included in this system

Additional Summary Information

The following options and default selections are included with your order:
PowerVault NX3230 Shipping

Date Created: Fri Jul 28 2017 12:48:08 GMT-0500 (Central Daylight Time)

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Feedback