

**RESOLUTION NO. 2019-R-35**

**RESOLUTION ADOPTING THE 2019 EDITION SPRING HILL  
EMPLOYEE HANDBOOK OF THE CITY OF SPRING HILL, KANSAS;  
FURTHER RESCINDING RESOLUTION NO. 2017-R-11.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRING  
HILL, KANSAS:**

**SECTION ONE: INCORPORATING BY REFERENCE THE 2019 EDITION OF  
THE SPRING HILL EMPLOYEE HANDBOOK.** There is hereby incorporated by reference  
the 2019 Edition of the Spring Hill Employee Handbook. One or more copies of said Handbook  
shall be marked or stamped "Official Copy as Incorporated by Resolution No. 2019-R-35 of the  
City of Spring Hill, Kansas" and shall be filed with the City Clerk to be open for inspection and  
available to the public at all reasonable hours. All employees of the City shall be supplied with a  
copy of such Employee Handbook which shall be similarly marked.

**SECTION TWO: RESCISSION.** Resolution No. 2017-R-11 is hereby rescinded.

**SECTION THREE: EFFECTIVE DATE.** This resolution shall take effect and be in  
force from and after its adoption by the Governing Body.

**ADOPTED** by the City Council of the City of Spring Hill, Kansas, this 18<sup>th</sup> day of  
December, 2019.

**APPROVED** by the Mayor this 18th day of December, 2019.

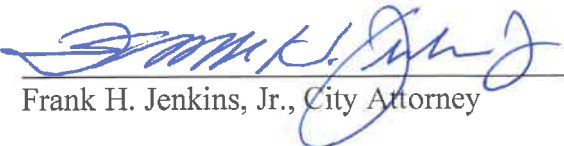
  
\_\_\_\_\_  
Steven M. Ellis, Mayor

ATTEST:

  
\_\_\_\_\_  
Glenda Gerrity, City Clerk



Approved by:

  
\_\_\_\_\_  
Frank H. Jenkins, Jr., City Attorney

Official Copy

**EMPLOYEE HANDBOOK**  
**FOR THE**  
**CITY OF SPRING HILL, KANSAS**  
**2019 Edition**

**Adopted by Resolution 2019-R-35 dated December 18, 2019**

## TABLE OF CONTENTS

- i. NOTICE TO EMPLOYEES
- ii. EMPLOYEE ACKNOWLEDGEMENT
- iii. GENERAL INFORMATION

### **ARTICLE I:            INTRODUCTION**

- I-1            Rules Established
- I-2            Administrative Responsibility
- I-3            Departmental Regulations

### **ARTICLE II:           POSITION CLASSIFICATION**

- II-1           Position Classification Plan
- II-2           Job Descriptions
- II-3           Job Classifications
- II-4           Maintenance of Plan
- II-5           Job Evaluation Process

### **ARTICLE III:         RECRUITMENT, SELECTION, AND PLACEMENT**

- III-1           Definitions
- III-2           Qualifications of Employment
- III-3           Promotion and Transfers
- III-4           Probation
- III-5           Nepotism

### **ARTICLE IV: COMPENSATION**

- IV-1           Compensation
- IV-2           Salary Range - New Employees
- IV-3           Performance Evaluation
- IV-4           Pay Days
- IV-5           Pay on Termination
- IV-6           Fair Labor Standards Act (FLSA) Status
- IV-7           Flex Time
- IV-8           Overtime Work
- IV-9           Compensatory Time
- IV-10          Shift Trading
- IV-11          Special Detail Work
- IV-12          Dual Employment
- IV-13          Pay Records
- IV-14          Call Back Time/Standby Status/Compensation

**ARTICLE V: ATTENDANCE, HOLIDAYS, VACATION, PERSONAL DAYS, EMPLOYEE ASSISTANCE PROGRAM, DISABILITY BENEFITS AND LEAVES OF ABSENCE**

V-1	Hours of Work
V-2	Holidays
V-3	Vacation Leave
V-4	Sick Leave
V-5	Personal Day
V-6	Philanthropic Leave
V-7	Employee Assistance Program (EAP)
V-8	Disability Benefits
V-9	Parental Leave
V-10	Military Leave
V-11	Civil Leave
V-12	Bereavement Leave
V-13	Other Leave
V-14	Educational Leave
V-15	Family Medical Leave Act (FMLA)

**ARTICLE VI: DISCIPLINE**

VI-1	Authority to Discipline
VI-2	General Policy
VI-3	Disciplinary Actions
VI-4	Procedure for Disciplinary Action
VI-5	Misconduct Subject to Disciplinary Action
VI-6	Termination

**ARTICLE VII: SEPARATION**

VII-1	Resignation
VII-2	Reinstatement
VII-3	Retirement

**ARTICLE VIII: POLITICAL, ACTIVITY, RESIDENCY, INSURANCE**

VIII-1	Political Activity
VIII -2	Memberships on Boards and Commissions
VIII -3	Residencies
VIII -4	Insurance

**ARTICLE IX: EQUAL EMPLOYMENT OPPORTUNITY & UNLAWFUL TREATMENT**

- IX-1 Equal Employment
- IX-2 Employee Harassment
- IX-3 Sexual Harassment
- IX-4 Reporting Guidelines
- IX-5 Disciplinary Action
- IX-6 Responsive Action
- IX-7 Civility
- IX-8 Right to Privacy

**ARTICLE X: DRUG FREE WORKPLACE & MEDIA POLICIES**

- X-1 Policy
- X-2 Prohibitions
- X-3 Notice of Conviction
- X-4 City's Right to Test

## **NOTICE TO EMPLOYEES**

The City of Spring Hill, Kansas (“City”) operates its employment practices under the legal doctrine known, as “employment at will.” Your relationship with the City is that of an employee-at-will. Your job status does not guarantee your employment for any specific length of time. Within state and federal employment law, the City has the right to terminate an employee at any time and for any reason, with or without notice. This Employee Handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City also reserves the right to change, supplement or rescind these policies at any time as it deems appropriate, at its sole and absolute discretion and without prior notice to employees. The only exception is that the City’s employment-at-will policy will never be changed or cancelled. The City will notify you of any changes to the handbook as they occur.

The City is an “Equal Opportunity Employer”. It is the policy of the City that all personnel actions are conducted in a manner that provides equal opportunity to all employees and prospective employees. It is the policy of the City not to tolerate unlawful discrimination with regard to the terms and conditions of employment. The City complies with all federal, state and local laws governing non-discrimination in employment and expressly prohibits discrimination in the work place.

GOVERNING BODY OF THE CITY, SPRING HILL KANSAS

**EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT**

By signing below, I acknowledge that I have received a copy of the Employee Handbook for the City of Spring Hill, Kansas and I understand that it is my responsibility to read, understand and comply with the policies outlined in this Employee Handbook and any revisions made to it. I understand that the Employee Handbook is intended only as a general reference and not a full statement of policies and procedures or a legal contract.

I understand that this Employee Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations or statements regarding the terms and conditions of my employment with the City of Spring Hill. By distributing this Employee Handbook, the City of Spring Hill expressly revokes any and all previous policies and procedures, which are inconsistent with those contained herein.

I agree to keep this Employee Handbook in my possession during my employment tenure and to update it whenever provided with material to do so.

I further understand that each Employee Handbook is the property of the City of Spring Hill and that copying any section of the Employee Handbook is against regulations. I agree to return the book upon terminating my employment with the City of Spring Hill.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City of Spring Hill, Kansas is employment-at-will, which may be terminated with or without cause and with or without notice at any time by the City of Spring Hill or myself. Furthermore, I acknowledge that the Employee Handbook is neither a contract of employment nor a legal document.

---

Employee's Signature

Date

---

Employee's Printed Name

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

## **GENERAL INFORMATION**

### **PURPOSE**

This handbook outlines the employment policies of the City. The policies will inform employees of their benefits and responsibilities of their employment. The City has developed these policies for the purpose of providing fair and consistent practices by Department Heads and employees.

The City's employment practices and policies will apply equally to all employees, unless exempted by law, contract or the terms of a policy. Where federal or state law or regulations supersede City policies, employees will be instructed to observe the requirement of the state and federal laws.

No employee handbook can anticipate every circumstance. This Employee Handbook provides a summary of the employment policies of the City. Further, there may be situations where the need arises for us to revise, add, or cancel policies. Therefore, the City reserves the right to add new policies, and to change or cancel existing policies at any time. Employment practices and policies in their complete form are available in the City Clerk's office.

### **EMPLOYMENT-AT-WILL DISCLAIMER**

The City is a "at-will" employer and operates under the provision that employees have the right to resign their position at any time, with or without notice and with or without cause. We, the employer, have similar rights to terminate the employment relationship at any time with or without cause and with or without notice.

### **EMPLOYEE HANDBOOK DISCLAIMER**

This Employee Handbook is provided as a guide and is not to be considered a contract. Only written statements made by the appropriate organizational representatives specified below are valid and binding employment contracts. The Mayor and City Council as a whole is the only body that can make binding employment contracts. These contracts must be in writing and approved by resolution.

The City reserves the right to unilaterally make changes to the policies, procedures and other statements made in this Employee Handbook. Fiscal conditions, federal and state laws and organizational needs are constantly in flux and may require that portions of the Employee Handbook be re-written. This is necessary to successfully provide the appropriate employment relationship and to obtain the goals of the City.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City to provide equal employment opportunity to employees and applicants for employment without regard to race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

Equal employment opportunity applies to all terms, conditions and privileges of employment, including hiring, probation, training promotion, transfer, compensation, benefits and assistance, layoff,



recall, employee facilities, discharge and retirement.

### **WORKPLACE DISCRIMINATION**

The City prohibits any unlawful discrimination. The use of racial, sexual, ethnic or other inappropriate jokes or derogatory remarks will not be tolerated, will be investigated, and disciplinary action will be taken, if warranted.

Furthermore, any type of retaliation for reporting discrimination is prohibited, will be investigated, and disciplinary action taken, if warranted.

### **SAFETY AND HEALTH**

The City requires employees to conduct job tasks safely to protect themselves and others at work. Every accident, near miss, or injury shall be reported to a supervisor immediately. The supervisor or Department Head will file an incident report, first report of injury, and/or incident investigation report, as appropriate.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility in case of serious injury. In the other cases, the injured employee should seek medical attention using the City's preferred workers compensation health provider list. Upon return to work, a physician's statement of medical condition and release to return to work must be submitted to the City Administrator's office.

If a workplace injury requires long -term medical attention, the injured employee will work with the supervisor and the City Administrator's office to decide on return to work, restricted duty job opportunities, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release settlement will be arranged, if appropriate.

### **CRIMINAL CONDUCT**

Employees will not engage in any criminal conduct or conduct which, even though not criminal, may reflect adversely upon the City or its officials. Activity of this nature will result in disciplinary action, up to and including termination.

### **EQUIPMENT AND PROPERTY**

Employees are provided adequate tools, equipment, and vehicles to perform their job. It is the responsibility of the employees to use them safely and to cooperate in the maintenance of equipment owned by City. Any employee operating a City vehicle is required to have a current state driver's license. When using a personal vehicle for conducting City business, the employee must provide proof of personal automobile liability coverage.

Any accident involving a City vehicle or a personal vehicle while conducting City business, the accident shall be reported immediately to the appropriate law enforcement agency and to the employee's supervisor.

## **BUSINESS ETHICS AND CONDUCT**

The successful business operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

City employees are expected to conduct themselves in a manner that will not reflect adversely on themselves or the organization. All employees are representatives of the City whenever they are in/out of City uniforms and/or driving a City vehicle, whether during or outside of regular working hours, and are expected to conduct themselves with professionalism, respect and integrity.

Our continued success is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the City, our citizens, and customers to act in ways that will merit the continued trust and confidence of the public.

As an organization, the City will comply with all applicable laws and regulations and we expect our Managers, Department Heads, Supervisors and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, you should find that using good judgment, based on high ethical principles, will guide you to act appropriately. If you are unsure about the proper course of action, you should discuss the matter openly with your Supervisor or Department Head. If necessary, you may also contact the Human Resources Generalist/Risk Manager for advice and consultation. It is the responsibility of every City employee to comply with our policy of business ethics and conduct. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

# ARTICLE I

## INTRODUCTION

**Employee Handbook:** There is hereby incorporated by reference for the purpose of establishing uniform personnel rules and regulations for the City of Spring Hill, Kansas the "Employee Handbook for the City of Spring Hill, Kansas" First Edition of 2017, prepared and published in booklet form by the City of Spring Hill, Kansas, save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Not less than one (1) copy of said Employee Handbook shall be marked or stamped "Official Copy as Adopted by Resolution 2017-R-11" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such deletion or change, and to it shall be attached a copy of this Resolution and filed with the City Clerk to be open to inspection by any interested party during regular office hours upon reasonable demand. All administrative departments of the City charged with enforcement of this Employee Handbook shall be supplied at the cost of the City, such number of official copies of said standard marked Resolution similarly marked as may be deemed expedient.

### **I-1. Rules Established**

The following rules, regulations, and other administrative provisions for personnel administration are established to:

- A) Promote and increase efficiency and economy in the City service;
- B) Provide fair and equal opportunity to all qualified citizens to enter City employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, creed, color, sex, age, religion, national origin or ancestry, disability, military status or any other classification protected under applicable laws;
- C) Develop a program of recruitment, advancement and tenure which will make the City service attractive as a career;
- D) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in the City service to assure a fair and equitable wage or salary to all employees, and
- E) Establish and promote high morale by providing good working relationships, uniform personnel policies and opportunity for advancement.

### **I-2. Administrative Responsibility**

The personnel program consists of the sum of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Administrator and/or the Human Resources Generalist/Risk Manager. The policies and procedures of the personnel program shall apply to all employees in the service of the City with the exception of elected officials.

### **I-3. Department Regulations**

Because of the nature of the operations of various Departments, separate rules and regulations to fit special Departmental conditions are and will be necessary. In such cases supplementary rules shall, upon the approval of the City Administrator, be considered a part of this manual.

In the event of any conflicting policies, rules or regulations, those that shall apply shall be based on the following descending order of documents: Kansas State Statute; then the City Code of Ordinances and then this Employee Handbook, including any supplemental interdepartmental personnel rules or policies that have been adopted.

## ARTICLE II

### Position Classification Plan

#### **II-1. Position Classification Plan**

Each position in the City government shall, on the basis of the duties, responsibilities, skill, experience, education and training required of the position, be allocated to an appropriate class that may include either a single position or two or more positions.

#### **II-2. Job Descriptions**

Each class shall have a specification that includes a concise descriptive title, a description of the duties and responsibilities of positions in the class and a statement of the qualifications for filling such positions. Such specifications shall be recommended by the City Administrator and approved by the Mayor. These descriptions shall be kept on file in the office of the Human Resources Generalist/Risk Manager and shall be open to inspection by any interested party during regular office hours upon reasonable demand.

#### **II-3. Job Classifications**

Each job classification shall be assigned to an appropriate range of pay scale which has been recommended by the City Administrator and approved by the Mayor and City Council.

#### **II-4. Maintenance of Plan**

The classification plan shall, from time to time, be reviewed to provide for changes in class duties necessitated by organizational adjustment, improved methods or new or revised service programs. All new or revised class descriptions may reclassify, reassign or transfer any employee when such action is deemed essential or desirable for the improvement of City operations or the benefit of the employee. Any changes to this plan must be recommended by the City Administrator and approved by the Mayor and City Council.

#### **II-5. Job Evaluation Process**

Job evaluation is a means of determining how jobs should be ranked on the basis of the training required, the complexity of the work involved and the responsibility the employee must bear for the results of the work. The purpose of the City's job evaluation plan is to:

- 1) Establish a clear identification of each position by job title and description.
- 2) Establish a series of salary grades; and with the help of salary surveys, establish salary ranges for each of these grades.
- 3) Through a careful job analysis, determine the training, initiative, responsibility, job conditions and supervisory qualifications necessary for the performance of each salaried and non-salaried job in the City.
- 4) Periodically audit changes in job content, and adjust salary ranges in accordance with area and industry practice.

The form entitled "City of Spring Hill Position evaluation application" should be used for job evaluation reviews.

## **ARTICLE III**

### **RECRUITMENT, SELECTION AND PLACEMENT**

#### **III-1. Definitions**

- A) Full-time employee is one employed to work a normal work week consisting of a minimum of 40 hours on a regular and continuing basis.
- B) Part-time employee is one employed to work less than a normal work week of 40 hours on a regular and continuing basis.
- C) Temporary employee is one who works on an irregular and/or non-permanent basis.
- D) Seasonal employee is one who works on a regular and/or recurring basis during a specific “season” or portion of a year.
- E) A volunteer is a non-paid individual in the position he or she holds. The volunteer is not considered an employee of the City while performing duties of their position regardless of other City employment.

#### **III-2. Qualifications of Employment**

All new applicants for any position shall meet the minimum qualifications for the position as set forth by the City Administrator. Each applicant shall truthfully complete a job application form and a medical history form when required. The applicant shall successfully pass the physical fitness requirements for the job applied for and also successfully pass a physical examination performed by a doctor or clinic designated by the City. Other tests such as, but not limited to, drug screening, polygraph examination and psychological evaluation may be a requirement by individual departments.

- A. The Mayor, with the consent of the council, may appoint the following officers to wit: A city administrator, municipal judge of the municipal court, a city clerk, a city treasurer, a chief of police, a director of public works, a director of finance, and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. The duties and pay of the various officers provided for in this section shall be regulated by resolution.
- B. The Mayor and City Council shall have the authority to discipline, including the authority to terminate, the foregoing appointive officers listed in III-2-A as recommended by the City Administrator.
- C. The City Administrator, as recommended by the Department Heads, shall have the authority to appoint, discipline, including the authority to terminate all other City employees pursuant to this Employee Handbook for the City of Spring Hill, Kansas.

### **III-3. Promotion and Transfers**

The City will strive to hire, transfer and promote the best candidate possible for each position based on qualifications, interests, organizational fit and enthusiasm.

Whenever appropriate, new and vacant positions will be filled from within by promoting or transferring qualified employees. However, the City is in no way limited to seeking job candidates only from its current pool of employees.

Length of continued service shall be considered in transfers and promotions where it is the only significant difference among employees with equal qualifications, interests, organizational fit and enthusiasm.

Transfers may be affected from one position to another within the same salary grade. Transfers may be within a Department or between Departments.

Appointments for transferring employees into the lower 25<sup>th</sup> percentile or greater than the 26<sup>th</sup> percentile based on the employee's qualifications and upon the Department Heads/ recommendation with approval by the City Administrator.

Promotions may be affected by changing an employee's current range to another higher range. An employee may be promoted within a Department or between City Departments. A promoted employee may have their salary increased by up to five percent or to the minimum of the new range.

Promotions may occur through a new or vacant position or through the job evaluation process.

All current City employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, including a physical examination and/or other tests when deemed necessary by the City Administrator.

In the event of promotion from within the City organization, the promoted employee's evaluation date will change to the anniversary of the effective date of the promotion.

### **III-4. Evaluation Period**

- A) Each employee shall satisfactorily complete an evaluation period of six (6) months. Satisfactory completion of the evaluation period will be determined by supervisor recommendations and performance evaluations completed at the end of six (6) months. Since the City is an "at will" employer the City may release any employee for any reason, and the City shall not be obligated to provide a reason to the employee.
- B) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a 180 day evaluation period. Any employee who fails to satisfactorily complete the evaluation period shall be returned to the pay and position he/she held immediately prior to his/her promotion or to a position with equal pay and responsibility.

- C) For new full time police officers having to attend academy training, the evaluation period starts when their academy training is completed and their on-duty status begins.

**III-5. Nepotism**

No person shall be employed in any department where a member of their immediate family is employed or in a department supervised by a member of his/her immediate family. If two employees within the same department marry during the period of their employment, at the discretion of the City one of the employees shall be transferred to another department without loss of pay. If transfer is not an appropriate option, the City shall resolve the nepotism issue in any other manner the City deems appropriate.



## **ARTICLE IV**

### **COMPENSATION**

#### **IV-1. Compensation**

The City Administrator shall have the power to recommend with approval by the Mayor and City Council compensation for employees by resolution that is subject to change at any time. The establishment of pay ranges for any position does not guarantee the occupant of the position any particular rate of pay due to budgetary and revenue constraints.

- A) All employees shall be paid at the rates prescribed for the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. Employees not working full time but as seasonal, temporary or part-time shall be paid at an hourly rate.
- B) The promotion of an employee to a class with a higher salary range shall include an increase in his/her salary to at least the minimum for the new classification.
- C) In the event an employee is reclassified or demoted to a lower classification, his/her hourly rate may be reduced to any step in the lower classification; however, in no event shall his/her salary be fixed at an amount greater than he/she was earning immediately prior to his/her reclassification.
- D) All non-appointed new hires and salary recommendations by the Department Head require approval by the City Administrator. New hires and salary recommendations for all appointed personnel require approval by the Mayor and City Council with the recommendation from the City Administrator.

#### **IV-2. Salary Range - New Employees**

The minimum rate of pay for any person on his/her original appointment to a position in the City shall be at the starting point of the salary range.

An original appointment above the minimum rate of pay may be made with the recommendation of the Department Head and approval of the City Administrator within the lower 25<sup>th</sup> percentile of the salary range. A condition of this appointment above the minimum rate will depend upon the Department's budgeted wage line item.

An original appointment below the minimum rate of pay may be made with the recommendation of the Department Head at a rate of 10% below the bottom of the salary range if the person does not meet the minimum qualifications for the position. The employee may be placed in this position for up to one year. At the time qualifications for the position are met and performance is deemed acceptable, the person will move up to the starting point of the range for that position.

A Department Head may request the City Administrator make appointments above the 26<sup>th</sup> percentile of the range subject to one or more of the following conditions:

- 1) The applicant clearly exceeds the minimum requirements for the position as set out in the official position description.
- 2) The requesting Department provides documented evidence that the position opening has been extensively advertised in local and regional publications and there is a shortage of qualified personnel.
- 3) It is demonstrated by the requesting Department that there are no other applicants with equal qualifications.

#### **IV-3. Performance Evaluation**

- A) Employee performance evaluations shall be considered in determining merit salary increases or salary decreases within the limits established in the pay range; as a factor in promotions; as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who should be demoted or dismissed.
- B) An evaluation of each employee's performance of his/her duties and responsibilities shall be made by each Department Head or authorized supervisor. The evaluation shall be in writing upon such forms as approved by the City Administrator.
- C) Each employee shall receive a formal evaluation reviewing the previous year's performance during the month of January. Any increase in salary resulting from the Annual Performance Evaluation shall be effective with the payperiod related to the first payday in March.
- D) The annual evaluation shall be supplemented by a mid-year progress evaluation, conducted during the month of June.
- E) Both the Annual Performance and Mid-Year evaluations shall be maintained in the employee's personnel file.
- F) In order to be eligible to receive a merit salary increase an individual must be employed by the City for at least six (6) months prior to their January evaluation.

No employee will be allowed to receive base compensation above the maximum of his or her salary range. Employees at the maximum of their range are eligible for a lump sum payment equal to the amount indicated on their annual performance appraisal that would have otherwise resulted in an adjustment to their annual rate of pay; additionally, employees at the maximum of their range are eligible for a range adjustment when salary ranges are adjusted.

In situations where an employee has not yet attained the maximum of their range, however their annual performance appraisal results in an adjustment to their annual rate of pay that partially exceeds the maximum range of pay, said employee will have the portion of pay applied as an adjustment to their annual rate of pay up to the maximum of their range. Any portion that exceeds the maximum of the range shall be paid as a lump sum.

#### **IV-4. Pay Days**

Employees shall be paid every other Friday except when a pay day falls on a holiday and in that event the pay day will be the last regular working day preceding the holiday.

#### **IV-5. Pay on Termination or Resignation**

Any employee who resigns or is terminated from the City shall receive his/her final paycheck on the pay period following their last day of employment with the City. It is the responsibility of the employee to notify their Supervisor of their last day/date of employment. It is the Supervisor's responsibility to notify Administrative Services of this date for preparation and calculations of the final paycheck amount to be compensated.

- A) Employee's who resign without giving a minimum of two work weeks notice shall only be paid earned compensatory time effective to the resignation date. Terminated employees will be paid earned compensatory time effective to the termination date.
- B) Employee's who resign and give/work their two week notice will be paid their earned compensatory time and unused/accrued vacation time effective to the resignation date.
- C) The employee will receive his/her final paycheck on the pay period following their last day of employment (present) which will include all hours worked and any other accrued hours (if applicable). This final paycheck will be a paper check and can be picked up in the Administrative Services Department on the final payroll date. Employee's who fail to pick up their final paycheck will receive the paycheck by mail at their current mailing address on file.

#### **IV-6. FAIR LABOR STANDARDS ACT (FLSA) STATUS**

Exempt status is determined based on the provisions of the FLSA. The Human Resources Generalist/Risk Manager evaluates position guides to determine whether positions meet qualifications for exempt status pursuant to the FLSA. Positions may be evaluated or reevaluated anytime at the request of the employee, the Department Head, or the Human Resources Generalist/Risk Manager. The Human Resources Generalist/Risk Manager must designate all positions as exempt or non-exempt prior to posting the position or placing an employee in the position. Exempt or non-exempt status determinations are documented in the job description.

Section 7(k) of the Fair Labor Standards Act (FLSA) exemption allows local governments to balance public safety personnel hours over an entire work period and establishes a higher number of weekly non-overtime hours than would otherwise be applicable.

#### **IV-7. Flex time**

- A) The use of flex-time allows most non-exempt employees to work during hours other than those normally worked in order to create time off during normal work hours during that

work week or pay period. All flex-time hours must be approved in advance by the employee's Department Head.

- B) Flex-time hours shall be taken at the employee's option and must be used within the pay period earned. A Department Head may not require that flex-time be taken in lieu of overtime or compensatory time.

#### **IV-8. Overtime Work**

Employees will be paid in accordance with FLSA regulations regarding overtime payments and compensatory time off.

- Overtime work must be approved in advance by the employee's Department Head or supervisor.
- Most non-exempt employees will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 hours during the official workweek.
- "Hours worked" is defined to include actual hours worked and does not include sick time, vacation time or any other paid time that is provided as a benefit.
- Non-exempt employees must accurately record all hours worked and must have worked all hours recorded. Non-exempt employees may not work "off the clock".
- Fifteen minutes is the minimum amount of time used in computing overtime. For the purpose of computing time worked less than one full hour, minutes will be rounded to the nearest quarter-hour.
- Employees whose positions are classified as "exempt" will not be compensated for overtime work.
- A Department Head or supervisor may require an employee to work overtime when so required by operational necessity.

#### **A) Computation of Overtime**

- 1) An employee must actually work 40 hours in a work week before he/she will be paid time and a half for hours over forty. Example: If an employee actually works 35 hours in a work week, and is on sick leave for an additional day, the employee shall be paid 43 hours at straight time.
- 2) Overtime shall only be paid for hours actually worked. Example: If an employee actually works 44 hours in a work week, and is on sick leave an additional day, the employee shall be paid 48 hours at straight time and 4 hours at time and a half.

#### **IV-9. Compensatory Time**

Employees will be paid in accordance with FLSA regulations regarding overtime payments and compensatory time off.

Defined: Compensatory ("Comp") time is time off which may be accrued, at the employee's option, in lieu of immediate overtime pay in cash.

Non-Exempt employees:

- A) Compensatory time may be accrued in lieu of immediate overtime pay in cash. Compensatory time will only be allowed after an agreement or understanding has been reached between the employee and his/her Supervisor.
- B) Compensatory time will be accrued at a rate of one and one-half (1 1/2) hours for each hour of overtime worked.
- C) The following rules regarding compensatory time apply to all non-exempt employees:
  - 1) All full-time employees can accumulate no more than 80 hours of unused compensatory time.
  - 2) The use of compensatory time off shall be granted by the employee's immediate supervisor within reasonable time after it is requested. The granting of such time off shall not unduly disrupt the operations of the department or City.
  - 3) Payment for accrued compensatory time prior to promotion or upon termination of employment shall be calculated at the average regular rate of pay for the preceding three (3) years of employment, or the regular rate received by the employee, whichever is the higher. Compensatory time may also be paid in full at the request of the employee and with the approval of the Department Head.

**IV-10. Shift Trading**

Employees are permitted to swap shifts, if approved in advance by the Department Head without the City being subject to overtime liability or being required to keep records. The agreement or practice by employees engaged in law enforcement activities of substituting for one another on regularly scheduled tours of duty, or part thereof shall be deemed to have no effect on hours of work or overtime compensation if:

- A) The substituting is done voluntarily by the employees and not at the request of the City;
- B) The reason for substituting is due not to the City's request but to the employee's desire or need to attend to a personal matter;
- C) A record is maintained by the Department Head of all time substituted by his/her employees. This substituted time will be submitted to the Human Resources Generalist/Risk Manager on his/her time card for compensation, and
- D) The Department Head will insure that the time substituted for will be paid back and this time period does not exceed twelve (12) months. (see K.S.A. 44-1204(d))

#### **IV-11. Special Detail Work**

Public Safety employees may accept special detail assignments with second employers, with the Department Head's advance approval, without the City being subject to overtime liability for those additional hours.

This provision means that City police officers and other public safety employees may "moonlight" by working at concerts, sports events, escorts, parades, construction sites, etc., without the hours being treated as overtime work. This applies even if the City requires that the second employer hire a City police officer for specified work or facilitates the employment by acting as the financial intermediary.

#### **IV-12. Dual Employment**

Employees may be allowed to perform additional part-time work at employers other than the City if the part-time work is not incompatible with the employee's employment with the City or creates a conflict of interest.

#### **IV-13. Pay Records**

The Human Resources Generalist/Risk Manager shall be required to keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime and all other records directed to be made and maintained under these policies and guidelines or applicable state or federal law. An employee's personnel file shall be available to the employee during regular office hours and upon reasonable request.

#### **IV-14. Call Back Time/Standby Status/Compensation**

Defined: The "on call" policy has been developed to ensure a reasonable response to after hour's requests for service to be accomplished according to the level of concern encountered. The first responder is the non-exempt employee who has been designated the "On Call" contact and is to be available for all after-hours service requests including weekends and holidays.

##### A) Call Back Time

- 1) A Department Head may call an employee in to work after a regular work schedule.
- 2) All Non-Exempt employees who are eligible to receive overtime compensation and are called in to work on a regular day off or are called back to work after a regular work schedule shall be paid at the appropriate rate of pay for hours worked. Such employees shall be paid a minimum of two hours.
- 3) The minimum of two hours shall not apply if the employee was on standby when called back to work, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee's next regularly scheduled work shift.

- 4) Only the hours worked shall be credited in determining eligibility for overtime compensation.
- 5) Non-Exempt Employees may not use a combination of sick and/or vacation time/hours with Call Back time/hours to be calculated for overtime on a regular work schedule day. If these hours occur simultaneously then the employee will be paid “actual” Call Back time/hours present to be calculated at their regular rate of hourly pay.

B) Standby Status/Compensation

- 1) Standby means a period of time outside an employee’s regularly scheduled work hours during which the employee is assigned to be in a state of readiness to perform his/her duties and responsibilities and required to remain available to the City within a specified response time.
- 2) A Department Head may require an employee to be on standby status. Each employee shall be available, at the Director’s discretion, for recall to perform necessary work. Standby assignments shall be limited to work situations where a probability of recall of the employee exists.
- 3) Only non-exempt employees are eligible to receive standby compensation.
- 4) Each employee who is eligible to receive standby compensation shall be paid an amount for the duration of their assigned standby time regardless of how many departments are covered.
- 5) Each employee on standby status who is called into work shall be compensated for the actual hours worked at the appropriate rate of pay. Only the hours actually worked by the employee shall be credited in determining eligibility for overtime compensation.
- 6) When an employee is restricted to a particular telephone number at a particular location designated by the employer, or to the employer’s premises, in order to remain personally available to the employer, the employee shall be compensated at their appropriate rate of pay and shall not receive standby compensation.
- 7) Any employee on standby status who is not available when called, does not respond to call back or fails to fulfill the responsibilities assigned to standby status as defined by their Department Head, shall lose standby compensation for that standby period and may be subject to disciplinary action as defined in ARTICLE VI of this document.

## ARTICLE V

### ATTENDANCE, HOLIDAYS, VACATION, PERSONAL DAYS, EMPLOYEE ASSISTANCE PROGRAM, DISABILITY BENEFITS AND LEAVES OF ABSENCE

#### V-1. Hours of Work

The normal workweek shall be forty (40) hours consisting of eight (8) hour work days from Friday at 7:00 p.m. to Friday at 7:00 p.m. No employee shall be permitted to work in excess of forty (40) hours per workweek except when assigned by his/her Department Head or immediate supervisor.

In accordance with and upon the implementation of an alternative work period under section 7(k) of the Fair Labor Standards Act (FLSA) and amendments thereto, Public Safety employees may be exempted from this provision.

#### V-2. Holidays

The City values a work/life balance among its employees. The City's attempt to assist with work/life balance includes paid holidays.

The Mayor and City Council shall, at or by, the last regular council meeting in December of each year, by resolution, determine the nine (9) holidays to be recognized by the City upon which the City offices shall be closed for the ensuing year. A copy of this resolution shall be posted, in clear view of the public, in City Hall.

##### A) Holidays Falling on a Weekend

Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on Sunday will be observed on the following Monday.

##### B) Mayor Authorized to Designate Other Special Holidays

The Mayor and City Council may grant the Mayor authority to designate other days as special holidays.

##### C) Compensation for Holidays

- 1) Holiday pay will be calculated based on the employee's straight-time rate of pay (as of the date of the holiday) times the number of hours the employee is normally scheduled and would have otherwise worked on that day. Holiday pay will not count as "actual hours worked", therefore employees will not receive overtime pay on the holiday hours.

In order to receive pay for an observed holiday, an employee must not have been absent without paid leave on the workday preceding or following the holiday.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that otherwise would have been applied.



- 2) For employees who are scheduled to work on the actual holiday, a City-observed holiday will be paid for all hours, in addition to holiday pay, the employee will be granted personal leave equal to 1/2 (one-half) hour per 1 (one) hour worked on that holiday up to a maximum of 4 hours of personal leave to use within a year of the holiday worked. Personal leave earned for working a recognized holiday not used within a year of the holiday worked will be lost. Holiday pay will not count as “actual hours worked”, therefore employees will not receive overtime pay on the holiday hours.
- 3) Seasonal, part-time and temporary employees shall not receive paid holidays.

### **V-3. Vacation Leave**

The City values a work/life balance among its employees and believes that the use of vacation time helps employees to refresh themselves and come back to work with increased focus and energy. Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees are encouraged to use their full allotment of vacation paid time off each year. Seasonal, part-time and temporary employees do not receive the vacation benefits outlined in this section.

- A) Amount: Each full-time employee shall receive vacation leave credit annually as follows:
  - 1) Seven (7) hours per month beginning with first month of employment to the tenth year of service. (10.5 days per year)
  - 2) Ten (10) hours per month after ten (10) years of service. (15 days per year)
  - 3) Fourteen (14) hours per month after twenty (20) years of service. (21 days per year)
  - 4) A full-time employee appointed on or prior to the fifteenth (15th) day of a month shall receive vacation leave credit for that month; such employee appointed after the fifteenth (15th) day of a month shall not receive vacation credit for that month.
- B) When Taken: No accumulated annual leave may be taken by an employee until they have been in service of the City continuously for a period of six (6) months. An employee who is not in the service of the City continuously for a period of six months before being separated from the City’s service shall not receive any payment for accrued vacation leave. Each Department Head shall schedule vacation leave with particular regard to operating requirements and, insofar as possible, with the requests of employees.
- C) Accrual: Employees having less than ten (10) years service may not accrue more than one hundred twenty (120) hours of vacation leave without being placed into a "use or lose" category. Employees having ten (10) years or more service may not accrue more than one hundred sixty (160) hours of vacation leave without being placed into a "use or lose" category. The City Administrator may extend for a limited time the maximum accrued vacation leave when it is determined an employee cannot be allowed to take vacation leave due to temporary heavy work schedules.

- D) Terminal Leave: Any employee leaving the services of the City shall be compensated for vacation leave credited and unused to the date of his/her resignation only if the employee gives/works two week proper notice. If his/her resignation occurs prior to the fifteenth of the month they shall receive no leave credit for that month. On or after the fifteenth, the employee shall receive vacation credit for that month. In case of death of the employee, compensation shall be paid to the surviving spouse or the employee's estate for all unused vacation leave.
- E) Holidays Occurring During Vacation Period: Any official holiday as set forth in this article that occurs during an employee's scheduled vacation shall not be counted as a day of vacation.
- F) Illness Occurring During Vacation Period: There is no refund of vacation time for illness that occurs while on vacation leave.

#### **V-4. Sick Leave**

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. If an injury or illness is long-term, permanent, or may be permanent or long-term, please contact the Human Resources Generalist/Risk Manager to discuss potential disability or FMLA (Family Medical Leave Act) benefits (See Section V-15 for FMLA Guidelines).

- A) Amount: Each full-time employee will be credited sick leave in accordance with the following:
  - 1) Sick leave may be accumulated but not taken until such employee has completed three (3) months continuous service with the City. Each employee shall be allowed ten (10) hours of sick leave per each month of continuous service.
  - 2) A full-time employee appointed on or before the fifteenth (15th) day of a month shall accumulate sick leave credit for that month; such employee appointed after the fifteenth (15th) day of a month will not accumulate credit for that month.
  - 3) Each employee shall be allowed to accumulate a sick leave reserve up to a maximum of sixty (60) days; or a total of 480 hours.
- B) Sick Leave: Sick leave with pay must be earned or accumulated before it can be granted. Employees shall not be allowed to use sick leave before it is earned and thereby accrue a negative sick leave balance. Sick leave with pay will be granted for absence from duty and will be limited to actual personal illness, a doctor's or dentist's appointment or for like events of an immediate family member. An employee who is sick or disabled and has exhausted their sick leave may use their vacation leave with approval of the City Administrator. Employees may not engage in any other employment while on leave.

- C) Length of Time: Any employee of the City, absent on account of sickness for more than five (5) consecutive scheduled work days, shall on request furnish to their Department Head, from a health care provider, a certificate clearly stating the healthcare provider’s opinion that the employee is released to return to active duty/work and is capable of performing 100% of his/her duties based on the employee’s current job description. If the health care provider releases the employee to return to work with any restrictions or limitations, it must be determined by the Department Head and Human Resources Generalist/Risk Manager whether or not that employee can return to work and be safe/productive without further risk of injury or illness based on said restrictions or limitations. Reasonable accommodations will try to be met by the City in these type of situations, however, if it is determined that there “is” additional risk of injury or illness, and, if it is required that the employee be able to perform 100% of his/her job duties then the employee will not be allowed to return to work until they have a 100% unconditional release from their health care provider.
- D) Unused Sick Leave: Sick leave credits/accruals are not to be paid in the event of any separation of employment, excepting that:
- 1) Employee’s with more than ten (10) years of service and terminating upon KPERS or KP&F retirement will be paid 50% of accumulated sick leave. Payment will be computed based on employee's rate of pay at time of retirement.
- E) Improperly Claimed Sick Leave: Any employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.
- F) Definition of a Immediate Family Member: For the purposes of Section V-4, Immediate Family Member shall be defined as:
- 1) Spouse, and parents thereof;
  - 2) Sons and daughters and spouses thereof;
  - 3) Parents and spouses thereof;
  - 4) Brothers and sisters, and spouses thereof;
  - 5) Grandparents and grandchildren, and spouses thereof;
  - 6) Domestic Partner;

**V-5. Personal Day**

Full-time employees are authorized one (1) personal day each year and will be paid at the regular wage and scheduled hours at the time taken.

- Personal leave may be used in one-hour increments.
- Personal leave must be used before the annual cut-off date during the pay year they are awarded and are not accumulated, carried over to the next year, nor paid out upon termination.
- Personal leave used after the annual cut-off date will be charged to the next payroll year.
- Employees will be sent a reminder of the cut-off period before the end of the payroll year

It is possible for an employee to be awarded up to two (2) personal days annually. To receive personal leave the employee must meet the following requirements:

- One personal day: Be employed full time on January 1 and a current employee at time of use.
- Second personal day: Available to employees with 15 or more years of full-time service on January 1 and a current employee at time of use.

#### **V-6. Philanthropic Leave**

The City wishes to encourage employees who demonstrate a philanthropic spirit of participating in voluntary efforts. Those employees wishing to participate in events that fall within their regular work hours may request time off to do so. The City will match up to sixteen (16) hours of time within each calendar year.

For example, an employee wishing to take four (4) hours off to participate in a philanthropic event will request to use two (2) hours vacation or compensatory leave and the City will match the remaining two (2) hours. Sick leave may not be used for philanthropic leave.

Upon mutual agreement between the employee and their supervisor and/or Department Head, the scheduling of philanthropic leave must meet the operational needs of the City. Two (2) week notice and supervisor approval is required. For media purposes, the employee may be asked to provide information or photographs related to the event.

- A) In order for an organization or volunteer effort to qualify for the employee's participation in this program it must meet one of the following criteria:
- 1) Have acquired 501(c) tax exempt status from the United States Internal Revenue Service and does not discriminate nor exhibit a bias based upon race, religion, sex, color, national origin, ancestry, disability or sexual orientation.
  - 2) Be a Public School System, governmental or quasi-governmental organization.
  - 3) Be an organization which may not have or is not able to acquire the requisite 501(c) tax exempt status, however the aim or goals of the organization obviously benefit the community as a whole or meet the humanitarian needs of an individual or group of individuals and does not discriminate nor exhibits a bias based upon race, religion, sex, color, national origin, ancestry, disability or sexual orientation.
- B) During participation in this program, the employee shall not engage in any of the following actions:
- 1) Proselytize, or engage in actions which may be interpreted as solely intended to express religious or social beliefs and points of view.
  - 1) Participate in any action which may be interpreted as campaigning, representing or supporting any campaign issue, public candidate or ballot initiative.

**V-7. Employee Assistance Program (EAP)**

The EAP provides confidential professional assistance to help employees and their immediate family members to resolve problems that affect their personal lives and/or job performance. Problems commonly handled include marital difficulties, parent-child relationships, alcoholism, drug addiction, stress, etc. The program is confidential and can be used by calling professional counselors directly.

**V-8. Disability Benefits**

A) On the Job Injury Leave - Workers Compensation Act. Employees injured on the job are covered by the Kansas State Workmen's Compensation Act. This law provides specific benefits to the injured employee. To initiate a claim, the following procedure is established.

- 1) The employee shall immediately report any injury, regardless of extent, to his/her immediate supervisor.
- 2) The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to a participating clinic.
- 3) The supervisor, with the help of the employee, shall prepare a "Supplementary Record of Occupational Injuries and Illness (OSHA No. 1101)" forwarding the original copy to the Human Resources Generalist/Risk Manager within twenty-four (24) hours.
- 4) Upon initiation of Workmen's Compensation payment, the employee has one of the following options:
  - (a) Request leave of absence and accept compensation from the State Workmen's Compensation Division,
  - (b) Accept sick leave and turn all compensation payments received from the State Workmen's Compensation Division to the City, or
  - (c) Accept compensation payments from the State Workmen's Compensation Division and receive part payment from the City to bring employee to full pay. This partial payment being charged to the employee's sick and/or emergency leave credit.

Before an employee will be allowed to return to work, after a job related accident, the City will require that the employee be released for work by the doctor or clinic designated by the City.

It is the policy of the City to return employees to work, within the restrictions provided by the physician. Department Heads, managers, and/or supervisors will attempt to find productive work for each injured employee. The Human Resources Generalist/Risk Manager can provide assistance for this effort.

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Pay grade for the injured employees will be based upon temporary work assignments.

Returning injured employees to work as soon as possible benefits both the employee and the City.

The City has identified and created alternative or modified work-duty tasks, and matching a worker's impaired physical capability from an injury to these tasks can control accidents costs, improve employee morale and productivity.

Other personal illness, non-compensable bodily injury or disease will be regulated by Section V-4.

- B) Off the Job Illness or Injury -- Extended Disability Leave. Employees who become totally disabled due to off the job illness or injury are eligible for extended disability leave benefits. If extended disability leave time off is granted it is subject to FMLA guidelines and you need to contact the Human Resources/Risk Manager for proper documentation and follow up. See Section V-15 for FMLA policies and guidelines.

1) Policy.

- (a) Extended disability leave is a leave of absence during which the employee receives one-half (1/2) of his/her usual rate of pay. Only full time employees may be considered for this benefit.
- (b) Accrual of sick and vacation benefits will continue at a rate of ½ normal rates. Holiday pay will continue. City provided insurance will continue during the first 90 days of leave. Insurance costs become the responsibility of the employee after that time.
- (c) Leave may be authorized on a month- to -month basis by the City Administrator.
- (d) Leave is to be requested by the employee's Department Head or supervisor to the City Administrator.
- (e) Determination of whether an employee shall be entitled to extended disability leave shall be made by the City Administrator.
- (f) If the health care provider releases the employee to return to work with any restrictions or limitations, it must be determined by the Department Head and Human Resources Generalist/Risk Manager whether or not that employee can return to work and be safe/productive without further risk of injury or illness based on said restrictions or limitations. Reasonable accommodations will try to be met by the City in these type of situations, however, if it is determined that there "is" additional risk of injury or illness, and, if it is required that the employee be able to perform 100% of his/her job duties then the employee will not be allowed to return to work

until they have a 100% unconditional release from their health care provider.

Any employee who disagrees with the decision made shall have the right to appeal such decision to the City Council at their next regular meeting following such ruling or determination. Determination by the City Council shall be a final determination of the issue.

2) Definition.

- (a) Total disability exists when the employee on account of the off the job injury or illness has been rendered completely incapable of engaging in any type of substantial and gainful employment.

3) Limitations.

- (a) Proven Disability. Extended disability leave shall not be considered until and unless a duly licensed health practitioner submits a statement proving that the employee is disabled and not able to work.
- (b) Extended disability leave shall not become effective until all accrued and unused sick compensatory, and vacation time has been exhausted.
- (c) Extended disability leave shall be for as short a time as medically possible. In no event shall the combined extended disability leave and accrued time (V-5 B 3) (b)) exceed six (6) calendar months, and it shall terminate upon the employee's eligibility to receive benefits from KPERS, whichever event occurs first.
- (d) Employees returning to work after receiving extended disability leave benefits will need to provide the City Administrator a signed release to work by a licensed health care practitioner. The release also must state that the employee can perform 100% of his/her duties as defined in their job description at that time.

**V-9. Parental Leave**

Maternity/Paternity leave, more commonly referred to as "Parental Leave," is leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care.

Maternity

- A) As long as an employee is on maternity leave, she may receive time off with pay for all accrued sick and/or emergency, compensatory, and accrued vacation leave, if requested by the employee. Maternity Leave is subject to FMLA guidelines (Section V-15) . Please see the Human Resources/Risk Manager prior to the leave to complete the necessary paperwork, review and understand the guidelines for unpaid time off. Benefit accrual and holiday pay cease during the period of leave without pay. City provided insurance will continue during the

first 90 days of leave. Insurance cost becomes the responsibility of the employee after that time.

- B) If the employee fails to return to work from maternity leave, the City has the legal right to seek to recover any health insurance premiums paid to maintain the employee's health insurance coverage during that leave. Vacation leave earned during the maternity leave will not be eligible for compensation as stated in V-3 D.

#### Paternity Leave

- A) As long as an employee is on paternity leave, he may receive time off with pay for all accrued sick, personal, compensatory, and accrued vacation leave, if requested by the employee. Paternity Leave is subject to FMLA guidelines (Section V-15). Please see the Human Resources/Risk Manager prior to their leave to complete the necessary paperwork, review and understand the guidelines for unpaid time off. Any remaining leave will be without pay. Benefit accrual and holiday pay cease during the period of leave without pay. City provided insurance will continue during the first 90 days of leave. Insurance costs become the responsibility of the employee after that time.
- B) If the employee fails to return to work from paternity leave, the City has the legal right to seek to recover any health insurance premiums paid to maintain the employee's health insurance coverage during that leave. Vacation leave earned during the paternity leave will not be eligible for compensation as stated in V-3 D.
- C) Upon mutual agreement and on an exception basis, the scheduling of paternity leave may be modified to meet the operational needs of the City.

#### **V-10. Military Leave**

Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training or service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

- A) Eligibility: Any employee who leaves City service for military duty shall be placed on military leave without pay, such leave to extend through a date of thirty (30) days after his/her release from service. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay. ( K.S.A. 73-213 et seq.) and amendments thereto
- B) Restoration: An employee returning from military leave shall be entitled to restoration to his/her former position or a position of like pay and responsibility, provided he/she makes application for reinstatement within thirty (30) days after his/her release from duty and, provided further, he/she is physically and mentally capable of performing the duties of the position involved.
- C) Benefits: Employees will not accrue benefits or receive Holiday pay during leave. Upon



restoration to City service the employee shall be restored all unused vacation and sick leave accruals. City provided insurance will not continue during leave.

D) Military Training: Any employee who is a member of any reserve component of the United States armed forces or the Kansas National Guard shall be granted military leave for a short tour of active duty or field training encampment. (See K.S.A. 48-222 and amendments thereto). In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the difference between his military pay and his city salary for a period determined by the City Administrator on a case by case basis.

## **V-11. Civil Leave**

A) Civil Leave with Pay: An employee shall be given necessary time off without loss of pay when:

- 1) performing jury duty,
- 2) appearing in court on behalf of the City as witness in answer to a subpoena,
- 3) In an official capacity on behalf of the City or as an expert witness (except in cases during which the employee is being compensated for performing duties as an expert witness. In which case the employee will not be compensated) either because of professional or observed knowledge,
- 4) performing emergency civilian duty in connection with national defense or
- 5) For the purpose of voting when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work.

Employees should refrain from wearing City provided uniforms or bearing the City logo during appearances in court unless appearing in their official capacity for the City.

## **V-12. Bereavement Leave**

In case of the death of an employees' immediate family member, an employee may be granted bereavement leave, with pay, not exceeding five (5) working days per funeral.

A) Definition of an Immediate Family Member:

For the purposes of Section V-12, Immediate Family Member shall be defined as:

- 1) Spouse, and parents thereof;
- 2) Sons and daughters and spouses thereof;
- 3) Parents and spouses thereof;
- 4) Brothers and Sisters, and spouses thereof;
- 5) Grandparents and grandchildren, and spouses thereof;
- 6) Domestic Partner;

The City recognizes the fact that an employee will have bereavement situations that occur involving other (not immediate) family members, friends and others with a close, family type association where time off to attend a funeral might be needed. In these cases the employee would be allowed to take accrued vacation or sick leave hours (up to (3) working days per funeral). This type of leave will need the approval of the employee's Department Head.

### **V-13. Other Leave**

- A) Meetings, Seminars: Any employee may be granted leave with pay to attend meetings, seminars and convention of professional and technical organizations when such attendance is properly authorized by the City Administrator.
- B) Leave of Absence: An employee, upon written request and with the approval of his/her Department Head and the City Administrator, may be granted a leave of absence without pay for a period of one (1) year. Benefits shall not accrue during a leave of absence. City provided insurance will not continue during the leave of absence. The City is not required to re-employ the employee in his/her previous position.
- C) Administrative Leave: The City Administrator may grant an employee Administrative Leave with pay in exceptional circumstances.
- D) Blood Donation: A full-time employee may be granted emergency leave for a period of time not to exceed 4 hours (not including the time needed for the donation) for rest and recuperation after making a blood donation for which he or she received no payment from the blood collecting organization for giving the blood. The time to actually give the blood may be approved as excused absence (regular time) if it takes place at the government facility or administrative leave if it occurs offsite.  
  
When a donor is paid for giving blood by the blood collecting organization, the employee is required to take some type of leave (other than sick leave) for any period of absence resulting from making the blood donation.
- E) Bone Marrow and Organ Donation: A full-time employee may be granted emergency leave for the time necessary to permit them to serve as a bone marrow or organ donor. This leave may not exceed seven (7) days in a given calendar year for a bone marrow donation or exceed thirty (30) calendar days in a given calendar year for organ donation. The length of absence for such purposes will vary depending upon the medical circumstances of each case.

### **V-14. Educational Leave**

- A) Educational Leave of Absence Without Pay:
  - 1) Leave may be granted to an employee not to exceed twelve (12) consecutive months. Course work shall be related to his/her career. The leave must be approved by the City Administrator. Benefits shall not accrue during an educational leave of absence without pay. City provided insurance will not continue during the leave of absence.
  - 2) Requests shall be submitted in writing to the Department Head in letter form, stating the need for the leave, how the City will benefit, course summary, the date the leave will begin, and probable date of return. If, upon the investigation of the City Administrator, it is found that educational leave will be beneficial to the City and it is practical to allow the employee's position to remain vacant or to be filled by a temporary employee,

educational leave without pay may be granted. Employee must give the City ninety (90) days written notice of his/her intention to return to the employment of the City prior to the end of his educational leave or the City shall assume that the employee does not intend to return.

B) Educational Leave of Absence With Pay:

- 1) Educational leave with pay will be granted for the state mandated training, educational courses that lead to a state required certificate, or when it is determined by the City Administrator that such training will be beneficial to the City. Such leave will only be granted after it has been approved by the City Administrator. Department Heads will make an effort to insure that taking such leave will not result in overtime payment. All tuition payments must be approved by the City Administrator.
- 2) Requests shall be submitted in writing to the Department Head stating course summary, course costs, certificate to be acquired, dates and times of classes, and the probable last day of class. The Department Head will make his/her recommendation to the City Administrator for approval.

C) Educational Tuition Repayment for Off-Duty Courses:

- 1) The City values the desire of employees to pursue educational opportunities that are of mutual benefit to the employee and the City. Regular full-time employees with one year or more of service with the City are encouraged to take advantage of educational courses that will help improve their performance in their current position and/or better prepare them for promotion within the City. The Human Resources Generalist/Risk Manager will maintain a budget for educational reimbursement. The budget will not exceed \$5,000.00. Reimbursements will be allocated on a first-come/first-approved basis. Once the budget has been used, department directors will be responsible for approving and funding additional requests from their employees at the expense of the department.
- 2) Any full-time employee may request permission to take off-duty educational courses. Requests shall be submitted in writing to the Department Head. The letter should state the need for the leave and how this investment will benefit the City.

The Department Head shall review request and determine if the educational courses, cost and location of the courses requested will be beneficial to the City, as well as to the employee. The Department Head shall recommend to the City Administrator for approval; only after approval has been granted by the City Administrator will the employee be pre-authorized of tuition repayment. A copy of this approval and signed agreement by the employee shall be placed in the employee's personnel file with a copy returned to the employee.

All courses taken will be on employees' off time and will not interfere with regular scheduled work hours established by the Department Head nor be considered time worked.

### 3) Conditions of Reimbursement

Reimbursement for course attendance is 100% of tuition with the following provisions:

- a) Total reimbursement per employee will be limited to a maximum of \$1,500 per calendar year.
- b) The employee must complete the course with at least a "C" grade for undergraduate courses and a "B" grade for graduate courses.
- c) Priority will be given to courses taken at an accredited college, university, or other institution recognized by the North Central Association Commission on Schools (NCA).
- d) Single courses (not part of a degree program) must be shown to be job related.
- e) Courses taken for a degree (major courses and general requirements) must be for a major in a field directly related to the employee's position or municipal government work.
- f) Pass/fail courses are not eligible for reimbursement.
- g) Expenses related to registration fees, books, library fees, graduation fees, life learning experiences, calculators, etc. are not eligible for reimbursement.
- h) Expenses which exceed the limits of this policy may not be carried forward for reimbursement at future time.
- i) Employees who fail to continue employment with the City for one full calendar year after the City's reimbursement will be required to reimburse the City for 100% of any amounts paid by the City.

In the event an employee receives other financial assistance (grants, scholarships, or waivers); the City's assistance will only apply to those amounts not covered by such assistance. Tuition costs paid with student or other loans will be eligible for reimbursement, contingent on the employee providing appropriate documentation. All sources of assistance must be disclosed at time of application. Reimbursement may be subject to taxation in accordance with current tax laws. The granting of assistance is based upon the availability of funds. All employees must complete an Educational Reimbursement Request form.

### 4) Procedures

- a) Prior to course registration, an employee will complete an Educational Reimbursement Request form, keep one copy and submit the original to his/her department director for consideration.
- b) After review by the department director, the application will be forwarded to the City Administrator for review prior to course registration. The City Administrator will forward the approved request to the Human Resources Generalist/Risk Manager who will contact the employee and pre-authorize reimbursement.
- c) In the event the request is denied, the employee may appeal the decision to the City Administrator, who will make the final determination.
- d) If the request is approved, then upon completion of the course(s), the employee will submit an official transcript and itemized tuition receipt, to the Human Resources Generalist/Risk Manager. All required documentation must be

submitted within four weeks of completion of the approved course(s). If an employee is enrolled in multiple courses with varying end dates, then documentation must be submitted within four weeks of completion of each course.

## **V-15. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Family Medical Leave Act (FMLA) is a federal statute that originally took effect on August 5, 1993. The purpose of the Act is to assist employees in balancing work, life and family matters by providing for unpaid leave for special health or family-related needs. Upon returning to work from FMLA leave, employees may be reinstated in their current or equivalent position without re-qualifying for benefits.

Our Family and Medical Leave policy will be interpreted in accordance with the federal Family and Medical Leave Act, its current regulations and all other applicable laws. To the extent that these policies may conflict with those laws, those laws shall control. Further, we retain all rights and defenses under applicable law, whether or not specifically set forth in these policies.

Consistent with Federal Law, after a 12-month wait for initial eligibility (having worked at least 1,250 hours), an employee may take as much as 12 work weeks of unpaid leave within 12 months for any of the following reasons:

- Birth of a child (including prenatal care) and to care for the newborn child;
- Placement of a child for adoption or foster care;
- To care for a spouse, child or parent with a serious health condition;
- To deal with the employee's serious health condition that renders the employee unable to perform the essential functions of the employee's job; and/or,
- A "qualifying exigency" as defined below and related to an employee's spouse, son, daughter or parent's active duty in the United States Armed Forces, and deployed to a foreign country.

An employee who is the spouse, son, daughter, parent or next of kin to a covered service-member is also entitled to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period for the following reasons:

- Leave to care for a covered service member on the temporary disability retired list that has a serious injury or illness or is in outpatient status ("military caregiver leave"). During this period, the City will continue its contribution to the employee's health insurance premium at the rate that existed prior to the absence. Employees are required to use accrued sick leave until Short Term Disability begins on the 15th day, as part of the FMLA leave. During Short Term Disability, the use of accrued vacation and sick leave is optional. If the employee is not eligible for Short Term Disability during their FMLA leave, he or she is required to use all vacation and sick leave accruals until it is exhausted.

## DEFINITIONS

**“Spouse”** means a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in states where it is recognized.

**“Parent”** means a biological, adoptive, step or foster father or mother, or any individual who stood in as a parent when the employee was a son or daughter. The term “parent” does not include parents “in law” (e.g. mother-in-law or father-in-law).

**“Son” or “daughter”** means a biological, adopted, or foster child; a step-child; a legal ward; or a child of a person or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

**“Next of kin of a covered service member”** means the nearest blood relative of that individual other than the covered service member’s spouse, parent, son, or daughter in the following order of priority: blood relatives who have been granted legal custody of the covered service member, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered service member has designated in writing a specific blood relative as his next of kin for purposes of military caregiver leave under the FMLA.

**“Covered service member”** means a member of the Armed Forces including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list

During this period, the City will continue its contribution to the employee’s health insurance premium at the rate that existed prior to the absence. Employees are required to use accrued sick leave until Short Term Disability begins on the 15th day, as part of the FMLA leave. During Short Term Disability, the use of accrued vacation and sick leave is optional. If the employee is not eligible for Short Term Disability during their FMLA leave, he or she is required to use all vacation and sick leave accruals until it is exhausted.

A **“covered military member”** is defined as an employee’s spouse, son, daughter or parent who is on active federal military duty or has been called to active federal military duty status for the United States Armed Forces. A **“qualifying exigency”** includes:

Short notice deployment: to address issues arising when a covered military member is called to active duty within 7 or less days of such deployment. Leave for a short notice deployment may be taken for seven (7) calendar days or less beginning on the date of the covered military member’s notice of such leave.

Military events and related activities: to attend official ceremonies, programs or events sponsored by the military that are related to the active duty status of a covered military member or to attend programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty status of a covered military member;

- a) Childcare and school activities: to arrange for or provide urgent
- b) childcare when the call to active duty of a covered military member necessitates a change in an existing childcare arrangement for a covered military member's child; to enroll in or transfer to a new school a covered military member's child; and to attend meetings with school or daycare staff of a covered military member's child;
- c) Financial and legal arrangements: to make or update financial or legal arrangements to address the covered military member's absence while on active duty or to act as the covered military member's representative for the purpose of obtaining benefits;
- d) Counseling: to attend counseling for the covered military member or a covered military member's child;
- e) Rest and recuperation: to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment. Eligible employees may take up to five (5) days of leave for rest and recuperation.
- f) Post-deployment activities: to attend official ceremonies or programs sponsored by the military in the 90 days following the termination of the covered military member's active duty status or to address issues that arise from the death of a covered military member.
- g) Additional activities: to address other events that arise out of the covered military member's active duty or call to active duty provided that the employer and employee agree that the leave shall qualify as an exigency and agree to the timing and duration of such leave.

A "serious health condition" is defined as a condition involving "inpatient care" or "continuing treatment" by a health care provider. Where inpatient care is not involved, the Act requires three (3) or more days absence from work (or incapacity to perform daily activities, in situations of caring for a family member) before a health condition will qualify for leave. Continuing treatment generally means two (2) or more visits to a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and the second within thirty (30) days of incapacity. A "serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty in the United States Armed Forces that may render the individual medically unfit to perform the duties of the individual's office, grade, rank or rating. "Outpatient status" means the status of a covered service member assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control to members of the United States Armed Forces receiving care as outpatients. A "contingency operation" means a military operation that is (a) designated by the Secretary of Defense as an action where the United States Armed Forces are or may become involved in military actions or b) results in members of the United States Armed Forces being called to active military duty, as defined by law.

## **AMOUNT OF FMLA AVAILABLE**

An eligible employee may take up to 12 work weeks of unpaid leave during the "12-month period" for any one, or combination, of leave for birth or adoption of a child, for the serious health condition of the

employee or the employee's spouse, child or parent or for a qualifying exigency. The 12-month period is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. An eligible employee may also take up to twenty-six (26) weeks in a single 12-month period for military caregiver leave. The 12-month period is a "rolling" 12-month period measured forward from the date an employee uses any military caregiver leave. Any employee who is eligible for and takes a portion of his or her twenty-six (26) weeks of military caregiver leave, but not the entire twenty-six (26) weeks forfeits the remaining portion of the leave that was not used within one (1) year. FMLA leave for the birth or placement of a child must conclude 12 months after the birth or placement. Leave for the birth or placement of a child may only be taken on an intermittent basis with the City's approval. If spouses are both employed by the City, they may take a combined total of 12 weeks of FMLA leave within the "12-month period" for any birth or placement of a child or to care for a seriously ill parent or dependent or a combined total of twenty-six (26) weeks within the "12-month period" to care for a covered service member, both of which can be split between spouses in any proportion. Any such leave taken by each employee shall be charged against that employee's available 12 weeks of FMLA leave for his/her own serious health condition or to care for a child or spouse with a serious health condition or 26 weeks of FMLA leave to care for a covered service member.

## **CERTIFICATION**

The City requires an employee seeking leave of more than 3 days for any medical purpose to submit medical or other documentation on a special form at the time of:

- Initial request;
- Before returning to work (following a serious health condition to certify fitness for duty
- If the employee is not returning to work, following a leave during which the employer has paid health-care premiums; or,
- Re-certification routinely during FMLA leaves.

The City can seek clarification through its own provider and/or require the employee to undergo a second independent examination at the City's cost. Certification forms can be obtained from Human Resources. All certification (and re-certification) forms must be submitted to Human Resources within 15 calendar days of the City's request for a certification.

## **FMLA LEAVE REQUESTS**

Employees should request FMLA leave by completing the Request for Family Medical Leave form and submitting it to Human Resources. Employees should provide notice at least 30 days in advance of the requested leave, whenever possible. When an unexpected situation develops, the employee should notify the City as soon as possible. The employee will be notified whether the leave has been designated as FMLA. When possible, employees should schedule foreseeable medical treatments so as to minimally disrupt the City's operations.

All requests for FMLA leave must fully explain the reasons for leave to allow the City to determine whether the leave actually qualifies under Federal Law. If an employee refuses or fails to give reasons for requesting FMLA leave or refuses or fails to provide a proper certification, the City may deny leave until such information is provided. In cases of leave for the employee's own serious health condition or that of a spouse, child, or parent, or to care for a covered service member or a qualifying exigency,



the eligible employee may take FMLA leave intermittently or on a reduced schedule, when such leave is certified as medically necessary where appropriate. If an employee requests intermittent or reduced-schedule leave for a planned medical treatment, the City may temporarily transfer the employee to an alternative position, for which the employee is qualified, and which has equivalent compensation and benefits, which better accommodates such irregular leave. Please keep in mind that during FMLA leave, the employee is deemed unable to work unless written approval has been obtained from a doctor.

## **INTERIM BENEFITS**

Under FMLA, the City will maintain the same level of coverage under the group health plan for the duration of an employee's FMLA leave. The employee is responsible for payment of his/her portion of health insurance premiums during such leave just as if he/she were still on the City's payroll. Employees will receive advance notice of the costs, and a schedule for remitting these payments will be provided. If the payment is more than 30 days overdue, the City's obligation to continue health-care coverage ceases. If health coverage is discontinued because the employee has not made the required interim payments while on FMLA leave, upon the employee's return from FMLA leave, health benefits will be restored to the employee as if the leave had not been taken and the premium payment(s) had not been missed. The City will then recoup the missed payments through payroll deductions. If the employee does not return from scheduled FMLA leave, except for circumstances beyond the employee's control, the City Affiliates may consider the employee to have voluntarily resigned and recover all health premiums it paid on the employee's behalf during the FMLA leave. The City may require medical certification of any alleged, continued serious health condition.

## **REINSTATEMENT**

An employee is entitled to return from a qualifying FMLA leave to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment, and without loss of job seniority or any other status or benefits accrued prior to FMLA leave, if all FMLA leave requirements are met, and provided the employee would still be employed if FMLA had not been taken. Certain "key employee" (for example, a salaried employee who is among the highest paid 10% of all employees at the work site) may be denied reinstatement, if necessary, to prevent substantial and grievous economic injury to the City's operations. An employee who gives notice of intent not to return to work or fails to return to work will be considered to have voluntarily resigned. Such voluntary resignation may be a qualifying event entitling the employee to the option of continuing his or her health-care coverage under COBRA.

## **ARTICLE VI**

### **DISCIPLINE**

#### **VI-1. Authority to Discipline**

Department Heads and Supervisors are responsible for the conduct and effective performance of all employees under their jurisdiction. Department Heads shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any department guidelines. Supervisors are required to fully inform the Department Head of all violations of City policy or departmental regulations by any employee. Department Heads are required to fully inform the City Administrator of all violations of City policy or departmental regulations by any employee. The City Administrator is required to notify the Mayor and City Council of all violations of City policy or departmental regulations by any appointed officer or official.

#### **VI-2. General Policy**

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee/officer is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the City to provide a high level of public service. When an employee/officer does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his/her Supervisor, Department Head, City Administrator or the City Council to consider disciplinary actions to correct the problem.

#### **VI-3. Disciplinary Actions**

The City reserves the right to discipline any employee/officer and to determine the particular discipline to be imposed in any given case and in any order. The following types of disciplinary actions are officially recognized by the City Administrator, Mayor and City Council:

- A) Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her Supervisor or Department Head. A record of the verbal warning shall be recorded in the employee's file. A verbal warning to an officer is an oral reprimand given by the City Administrator and shall be recorded in the officer's file.
  
- B) First Written Reprimand: A written reprimand is a written censure to an employee by his or her Supervisor, or Department Head. On the first written reprimand, the Supervisor will meet with the employee privately, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The employee will be given the opportunity to document his or her response to the reprimand for the record. A copy of the reprimand and

30-day probation response will be sent to the Department Head and also the Human Resources Generalist/Risk Manager to be recorded in the employee's file. A first written reprimand for an officer is a written censure by the City Administrator. The City Administrator will meet with the officer privately, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The officer will be given the chance to document his or her response to the reprimand for the record. A copy of the 30 day probation response will be sent to the Mayor, City Council and also the Human Resources Generalist/Risk Manager to be recorded in the officer's file.

- C) Second Written Reprimand: On the second written reprimand, the Supervisor and Department Head will meet with the employee privately, cite the problem, define the expected behavior or correction to the problem and after a 30-day probation period determine if the problem is solved or needs further disciplinary action. The employee will be given an opportunity to document his or her response to the reprimand for the record. After a Second Written Reprimand is issued it is the Department Head's responsibility to communicate to the employee that any further written reprimands, acts of insubordination or gross misconduct could lead to a third written reprimand which would invoke a immediate suspension and written recommendation for termination of employment. A copy of the second reprimand and 30 -day probation response will be sent to the City Administrator and also the Human Resources Generalist/Risk Manager to be recorded in the employee file. If an officer receives a second written reprimand, they will meet with the City Administrator a second time, cite the problem, define the expected behavior or correction to the problem and after a 30 day probation period determine if the problem is solved or needs further disciplinary action. The officer will be given the opportunity to document his or her response to the reprimand for the record. After the second written reprimand is issued it is the City Administrator's responsibility to communicate to the officer that any further written reprimands, acts of insubordination or gross misconduct could lead to a third written reprimand which would automatically invoke a immediate suspension and written recommendation for termination of employment. A copy of the second written reprimand will be sent to the Mayor, City Council and also to the Human Resources Generalist/Risk Manager to be recorded in the officer's file.
- D) Third Written Reprimand: If an employee receives their third written reprimand, the Department Head will send a written recommendation for termination of employment to the City Administrator. This will automatically invoke a 5-calendar day suspension to the employee without pay and in that 5 –calendar day suspension period the employee has the right to file a grievance with the City Administrator requesting a hearing on his/her termination of employment. If the employee fails to file their grievance within the 5-calendar day suspension period, the City Administrator automatically terminates the employee from employment with the City. If the employee files a grievance with the City Administrator prior to the end of the 5<sup>th</sup> calendar day of the suspension period, a hearing between the employee and City Administrator will take place on the first/next business day following the fifth calendar day of suspension. If the City Administrator upholds the decision for termination by the Department Head, the employee is terminated from employment with the City at that time. If the City Administrator determines that the termination was not justified and overturns the Department Head's recommendation for

termination, then the employee will be “reinstated” and returned to work immediately. The reinstated employee will be compensated for regular scheduled work days/hours missed during the 5-calendar day suspension period at their regular rate of pay. The employee will also be returning to their position with a “second reprimand” status at that time. If an officer receives a third written reprimand, the City Administrator will send a written recommendation for termination to the Mayor and City Council. The Mayor and City Council will review the City Administrator’s recommendation and a final decision will be made within 14 days. The officer’s employment with the City will be suspended until the final decision is determined by the Mayor and City Council. During the suspension period the officer has the right to file an appeal to the Mayor and City Council for review. If the Mayor and City Council determines that the City Administrator’s recommendation for termination is justified, then the officer’s employment with the City will be terminated at that time. If the Mayor and City Council determines that the termination was not justified and overturns the City Administrator’s recommendation, then the officer will be “reinstated” and returned to work immediately. The reinstated officer will be compensated for regular scheduled work days/hours missed during their suspension period at their regular rate of pay. The officer will also be returning to their position with a “second reprimand” status at that time.

- E) Job Evaluation Period: A job evaluation period is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior after a written reprimand is received. Failure to meet the necessary requirements may result in additional disciplinary actions and written reprimands up to and including termination of employment.
- F) Suspension. – A suspension is a 5- calendar day period invoked from the date a Department Head provides a written recommendation to the City Administrator for termination of employment for an employee, or for an officer a suspension is the time from the date the City Administrator provides a written recommendation for termination to the Mayor and City Council until the final decision is made by the Mayor and City Council within the next 14 days.
- G) Grievance. – A grievance is a formal appeal by a suspended employee to the City Administrator asking that his/her termination be overturned. A grievance hearing between the employee and the City Administrator will be scheduled on the 1<sup>st</sup> business day after the 5 calendar day suspension period expires. In this hearing the employee will cite their case and the City Administrator will determine if the termination decision stands or is to be overturned. A grievance can also be a formal appeal by an officer to the Mayor and City Council asking that his/her termination be overturned. In this hearing the officer will have the opportunity in an Executive Session with the Mayor and City Council to cite their case and the Mayor and City Council will determine if the termination stands or is to be overturned.
- H) Reinstatement. – The process where an employee returns to work after being suspended for 5 calendar days where their recommendation for termination was overturned by the City Administrator in the employee’s Grievance Hearing. The reinstated employee will receive their regular rate of pay for the regularly scheduled days/hours missed during the five

calendar day suspension period and return with a second written reprimand status. In the case of an officer, reinstatement is the process where an officer returns to work after being suspended for a period of time where their recommendation for termination was overturned by the Mayor and City Council. The reinstated officer will receive their regular rate of pay for the regularly scheduled days/hours missed during their suspension period and return with a second reprimand status.

- I) **Termination.** Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. These are some of the most common circumstances for employment terminations:

**Resignation:** voluntary employment termination initiated by an employee.

**Discharge:** involuntary employment termination initiated by the Department Head and approved by the City Administrator.

**Retirement:** voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with the City is based on mutual consent, either you or the City has the right to terminate the employment relationship at will at any time. On the employee termination date all property of the City will be returned to the Supervisor or Department Head (i.e. uniforms, keys, equipment, supplies, documentation).

#### **VI-4. Procedure for Disciplinary Action**

Whenever the misconduct of an employee or officer occurs that in the judgment of the Supervisor, Department Head or City Administrator justifies the application of disciplinary actions, other than a verbal warning, they shall:

- A) Document the misconduct in writing.
- B) Meet with the employee or officer to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee and supervisor if it is the first reprimand. Officers will meet with the City Administrator on a first reprimand. On a second or third reprimand, meet with the employee, supervisor and the Department Head if necessary. This process also applies to the Officer and City Administrator for a second and third reprimand. The Supervisor, Department Head or City Administrator may request other persons be present at these meetings if they deem it necessary.
- C) Make a final decision as to the disciplinary action and put together an action plan including advice or expertise to the employee or officer for improvement, correction of the problem/situation.
- D) Notify the employee or officer of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the Department Head or City Administrator and sent to the Human Resources Generalist/Risk Manager for insertion in the employee's personnel file. The employee may submit comments in writing to be attached to the record of any disciplinary action.

- E) After a third written reprimand a recommendation for termination disciplinary action commences. The employee's Department Head notifies the employee that he/she is suspended without pay for a 5-calendar day period starting on the day of the disciplinary action. They will also notify the employee of their right to file a grievance during the 5-calendar day suspension to the City Administrator for a hearing to review the suspension/recommendation for termination to be scheduled on the first business day after the fifth day. If the employee files a grievance and a hearing with the City Administrator is conducted, and if the City Administrator determines that the termination was not warranted based on the information provided by the Supervisor and Department Head, then the employee will return to work immediately on the next business day and will receive his/her regular rate of pay for the five day suspension period. The employee will be returning to work with a "second reprimand" status meaning any other disciplinary action or misconduct will be a third reprimand and the Department Head will initiate the termination process again as defined in VI-3, (D). If an officer receives a third written reprimand, the City Administrator will send a written recommendation for termination to the Mayor and City Council. The Mayor and City Council will review the City Administrator's recommendation and a final decision will be made in 14 days. The officer's employment with the City will be suspended without pay until the final decision is determined by the Mayor and City Council. During the suspension period the officer has the right to file an appeal to the Mayor and City Council for review. If the Mayor and City Council determines that the City Administrator's recommendation for termination is justified, then the officer's employment with the City will be terminated at that time. If the Mayor and City Council determines that the termination was not justified and overturns the City Administrator's recommendation, then the officer will be "reinstated" and returned to work immediately. The reinstated officer will be compensated for regular scheduled work days/hours missed during their suspension period at their regular rate of pay. The officer will also be returning to their position with a "second reprimand" status at that time.
- F) The City reserves the right to deviate from this progressive discipline procedure when warranted by the circumstances as each discipline is handled on a case-by-case basis. In some instances, immediate termination or more severe discipline may be warranted. This discipline procedure does not indicate in any manner that an employee may be terminated only for cause as each employee of Spring Hill is an employee at will and can be terminated by the City with or without cause and without notice. All terminations are reviewed and approved by the City Administrator.

#### **VI-5. Misconduct Subject to Disciplinary Action**

The following is an illustrative list of misconduct that may subject an employee or officer to disciplinary action. The list is not exclusive; it is only representative of the types of misconduct that will subject an employee to disciplinary action.

- A) Conduct that hampers, endangers or is contrary to the mission and goals of the City.
- B) Conviction of a violation of any state or federal criminal law.

- C) Conviction or violation of any City law.
- D) Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- E) Violation of personnel policies and guidelines or departmental policies and guidelines.
- F) Inattention to duty, carelessness, breakage or loss of public property or funds.
- G) Incompetence or inefficiency in the performance of the duties of his or her position.
- H) Insubordination or other breach of work duties or discipline.
- I) Discourteous, disruptive, abusive, intimidating, threatening or disorderly conduct or other offensive behavior to the public or to employees and officers of the City.
- J) Abuse of leave, excessive absenteeism or tardiness.
- K) Temporarily leaving the workplace without the approval of his or her supervisor.
- L) Failure to give proper notice of absence.
- M) Sleeping on the job.
- N) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired or any possession or use of intoxicants or narcotics while on duty
- O) Inducing or attempting to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- P) Unauthorized possession of firearms or other weapons on the job.
- Q) Falsifying or supplying false information for completion of City records.
- R) Working on personal or unrelated work duties while on City time.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or a criminal offense (felony) or such other activity the City deems significant, the employee will be suspended immediately, without pay, pending an investigation and review of the matter. If, after the City's investigation, it is determined that the employee is responsible for any of the above mentioned circumstances, then the employee will be terminated immediately with final approval/confirmation by the City Administrator. If, after the City's investigation or review the employee is found not to have committed the misconduct or offense, the employee will be immediately reinstated to his or her position and be compensated at their regular rate of pay for days/hours missed during the suspension period.

## **VI-6. Termination.**

Examples of serious misconduct for which an employee may be terminated are listed below. The following illustrative list is not exclusive and is only representative of the types of misconduct which will subject an employee to immediate termination. Possible reasons for termination under this section, although not exclusive but only representative, may constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- A) Conduct which hampers, endangers or is contrary to the mission and goals of the City.
- B) Conviction of a felony or conviction of driving under the influence while operating a City vehicle.
- C) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- D) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- E) Negligent or willful damage to public property or waste of public supplies or equipment.
- F) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- G) Gross incompetence, neglect of duty or willful or continued failure to render satisfactory service.
- H) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Head or knowingly making a false statement to any employee or officer of the City.
- I) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee or falsifying any other City records.
- J) Absence without leave.
- K) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- L) Sexual or any other form of unlawful harassment.
- M) Disclosing confidential records or information unless directed to do so by his or her Department Head or supervisor.
- N) Revocation or suspension of a certification or license, including a driver's license, when such



is required as a condition of City employment.

- O) Material falsification of application for City employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- P) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- Q) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the City.
- R) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability, national origin or any other protected classification under federal and state law.

## **ARTICLE VII**

### **SEPARATION**

#### **VII-1. Resignation**

An employee who terminates his/her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two work weeks written notice to his/her Supervisor or Department Head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Head.

#### **VII-2. Reinstatement**

An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his/her termination.

#### **VII-3. Retirement**

- A) All eligible employees of the City shall be members of the Kansas Public Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership.
- B) The normal retirement date for all employees shall be on the first day of the month following the month in which they attain age sixty-five (65), except as provided in paragraph (C).
- C) In unusual circumstances and when it is deemed in the best interest of the City, the Mayor and City Council may, upon written request of Mayor-Council, extend the date of retirement, pursuant to K.S.A. 74-4914.
- D) Upon retirement the employee shall receive one (1) lump sum payment based on the following formula: average the salary for the last five (5) years of employment and the retiring employee shall be given one (1) days pay, based on this hourly rate, for every year of service to the City.

## ARTICLE VIII

### POLITICAL, ACTIVITY, RESIDENCY, INSURANCE

#### **V-III-1. Political Activity**

- A) It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this section.
- B) As private citizens, employees may participate in all political activities, including holding public office, except for activities, where holding an appointive or elective public office is incompatible with the employee's City employment.
- C) City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates.
- D) Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she may be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- E) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit, handle or receive political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours.
- F) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- G) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

#### **VIII-2. Membership on Boards and Commissions**

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance.

### **VIII-3. Residency**

- A. The following officers and/or employees are subject to the following residency requirements:
  - 1. City Administrator shall be a resident of the City; provided that, the Governing Body may provide a newly appointed City Administrator a reasonable period of time in which to establish residency within the City.
  - 2. Department Heads. All department heads, including but not limited to the Assistant City Administrator(s), Finance Director, Director of Community Development, and the City Clerk, shall be required to reside within a forty-five (45) minute drive of their department's headquarters. The Chief of Police and Public Works Director shall be required to reside within a thirty (30) minute drive of their department headquarters.
  - 3. Law Enforcement Personnel, excepting Chief of Police.
    - i. Sworn law enforcement personnel shall reside within a sixty (60) minute drive of the Police Department's Headquarters provided that, the Chief of Police is subject to the residence requirements set forth in Section 1-402.A.2.
- B. The City Attorney shall be a qualified elector of either Miami County or Johnson County, or an adjoining county of Miami or Johnson County.
- C. The City Administrator, Chief of Police, Public Works Director, City Attorney, or any department heads, or sworn law enforcement personnel who fail to comply with the residency requirements of this Chapter shall no longer be qualified for his or her position and shall be terminated from employment.

### **VIII-4. Insurance**

- A) All full time employees shall be eligible for group medical, hospital, dental, and life insurance as soon as eligibility under the provisions of the insurance plan allows.
- B) The Mayor and City Council shall regularly determine the amount of premiums, if any, the City shall pay.
- C) When a full time employee is required to pay premiums because of participation in a group medical, dental, or life plan, the amount of such premium shall be deducted from the employee's pay check the first and second pay day of each month.
- D) No employee shall be entitled to a cash payment of any kind in lieu of medical and hospital insurance coverage.

## ARTICLE IX

### **EQUAL EMPLOYMENT OPPORTUNITY AND UNLAWFUL TREATMENT**

#### **IX-1. EQUAL EMPLOYMENT**

The City is committed to providing a zero-tolerance work environment that prohibits unlawful discrimination practices, including harassment, and promotes equal employment opportunities.

The City hires on the basis of the ability to perform a position's essential functions without regard to race, color, religion, sex, age, disability, genetics, national origin, protected veteran status or any other class protected by applicable federal, state and local employment laws. The City expressly prohibits any form of unlawful employee harassment based on the foregoing factors. If you require accommodation due to a disability, please notify Human Resources, your supervisor or your Department Head. This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, termination, discipline, layoff, recall, transfer, leave of absence, compensation and training. The City is an Equal Opportunity Employer.

City employees found to be engaging in any unlawful discrimination will be subject to disciplinary action up to and including, termination of employment.

The City believes that every employee has the right to a work environment free of unwelcome verbal or physical conduct, which harasses, disrupts, or interferes with the individual's work performance or creates an intimidating, offensive, or hostile environment. The City does not tolerate any employee engaging in this type of behavior. Any employee participating in such negative conduct will be subject to appropriate corrective action that may include termination.

**IX-2. EMPLOYEE HARASSMENT** is any unwelcome conduct that illegally discriminates against you or another employee or unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. This would include harassment based upon an individual's race, religion, sexual orientation, marital status, gender, family status, age, physical or mental disability, or other protected classification.

**IX-3. SEXUAL HARASSMENT** is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or submission to or rejection of such conduct is used or threatened to be used as the basis for employment decisions affecting such individual, or such unreasonable conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

**IX-4. REPORTING:** If you become aware of situations involving unwelcome or inappropriate behavior directed toward you or another employee, report it immediately to the Human Resources Generalist/Risk Manager.

Any Supervisor or Department Head who receives a complaint or otherwise becomes aware of possible sexual or other unlawful harassment shall immediately advise the Human Resources Generalist/Risk Manager.

Any complaint directed against the Human Resources Generalist/Risk Manager must be promptly reported to the City Administrator.

Any complaint directed against the City Administrator or a City Council member must be promptly reported to the Mayor (or the Mayor pro tem if the Mayor is the subject of the complaint) and the City Attorney.

**IX-5. INVESTIGATION.** Upon receipt of any complaint under this policy, the City will immediately initiate an investigation of the situation and document the responses of all individuals involved. The investigation will be handled by the Human Resources Generalist/Risk Manager unless the complaint is directed against the Human Resources Generalist/Risk Manager, the City Administrator or a member of the Governing Body, in which case the City shall employ a person outside City employment to conduct the investigation. Such authorized designee will present his/her findings of fact and investigative findings to the Governing Body who will determine the appropriate action.

All employees shall fully cooperate in any investigation and without fear of reprisal. The City prohibits any form of retaliation against any employee who has reported sexual harassment or any other harassment, or any employee who provides information regarding sexual harassment or any other harassment. Any employee who feels that retaliatory action has been taken should also immediately report that action to the Human Resources Generalist/Risk Manager.

After concluding the investigation, the Human Resources Generalist/Risk Manager will review the evidence gathered during the investigation and make a written report to the appropriate Department Head and City Administrator presenting findings of fact, investigative conclusions, and recommendations as to any disciplinary action to be taken, if appropriate.

**IX-6. DISCIPLINARY ACTION** Any employee determined by an impartial investigation to have harassed another employee will be subject to appropriate disciplinary procedures up to and including termination. Any disciplinary action taken in response to the findings of a complaint will be based on the individual circumstances of each situation as the City deems appropriate. Any disciplinary action taken against an employee will be taken in accordance with Article VI of this Handbook. Any disciplinary action taken against an officer shall be in accordance with Article III-2(B) of this Handbook. Any disciplinary action taken against the City Administrator shall be in accordance with his/her Employment Agreement.

Disciplinary action may include, but is not limited to, written warnings, suspension without pay, or termination. In addition, if it is determined that a person has falsely and intentionally accused someone of harassment, appropriate disciplinary action may be taken, which may include termination.

## **IX-7. CIVILITY**

- 1) All employees shall behave with civility, fairness and respect in dealing with fellow employees, citizens, visitors and anyone else having business with the City. Uncivil behaviors are prohibited.
- 2) This policy also pertains to all citizens, visitors and anyone else who has business with City employees or activities on City properties.

Definition: Uncivil behaviors shall be defined as any actions that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion, or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, direct conversations or written letters and/or e-mail messages. Any uncivil behavior should be reported to the immediate supervisor. A record shall be made of the incident and the action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person.

Retaliation against a person who reports a claim of uncivil behavior is prohibited. Anyone having interaction(s) with employees of the City shall treat them with professionalism, courtesy, dignity and respect. Uncivil behavior shall be prohibited. Any uncivil behavior shall be reported to the immediate supervisor. A record shall be made of the incident and action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person. Retaliation against a person who reports a claim of uncivil behavior shall be prohibited.

## **IX-8. No Expectation of Privacy**

Nothing in this Employee Handbook confers an individual right or is to be construed to provide an expectation of privacy in the use of City property. City employees have NO right to privacy in their use of City property and in any communications generated by the use of City property at any time. The City has unlimited access to and the right to fully monitor and inspect its property, including its digital equipment, such as computers, electronic mail, faxes, e-mail, phones and messaging).

## ARTICLE X

### **DRUG-FREE WORKPLACE**

Drug abuse in the workplace creates a danger to the person abusing drugs, fellow employees he/she comes into contact with, and the public at large. Accordingly, this article is promulgated to set forth the City's policy and program prohibiting alcohol, illegal drugs, and controlled substances in the workplace.

#### **X-1. Policy**

The City prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol/intoxicants, drugs, and controlled substances in the workplace. Any employee who violates this policy will be subject to disciplinary action, which may include termination.

#### **X-2. Prohibitions**

- A) No employee shall report to work under the influence of alcohol/intoxicants, drugs, or controlled substances.
- B) No employee shall unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances in any manner on City premises or in City vehicles at any time, whether or not performing City business, or while performing City business at any location. (This section does not apply to any employee performing legitimate law enforcement responsibilities.)
- C) No employee shall use any item of City property or use his/her City position to make or traffic alcohol/intoxicants, illegal drugs, or controlled substances for their own purposes.

#### **X-3. Notice of Conviction**

Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the City Administrator of such conviction no later than five days after conviction. If the conviction is classified as a "felony" then the employee will be terminated from employment immediately pending final review by the City Administrator.

- A) The City shall, within 10 calendar days after receiving notice of the conviction of an employee for a criminal drug statute violation occurring in the workplace, notify all Federal agencies from which it receives grant funding of such conviction.
- B) The City shall, after receiving notice of the conviction of an employee of a criminal drug statute violation (misdemeanor) occurring in the workplace, either
  - 1) take appropriate personnel action against such employee according to the City's Employee Handbook, up to and including termination, or



- 2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

**X-4. City's Right to Test**

The City reserves the right to request drug and/or alcohol screening of any employee who appears to his/her supervisor to be under the influence of drugs or alcohol. The supervisor must be able to substantiate physical indicators of probable drug or alcohol use, except that any employee involved in an accident or injury must submit to a drug screening and/or blood alcohol test. The City will pay for any required testing. Following a mandatory drug or alcohol test, an employee will not be allowed to return to work until notified to do so by his/her supervisor. If the test results are negative, the employee will be paid for all working hours missed. If the test results are positive, no compensation will be paid for missed work hours.

## ARTICLE XI

### WEAPONS IN THE WORK PLACE

#### IX-1. CARRYING OF WEAPONS

The City prohibits any employee from carrying a weapon while working for the City; excepting that, in accordance with Kansas State Law, legally qualified civilian employees shall be authorized to carry/possess a concealed handgun while engaged in their duties as an employee within the following restrictions:

- A) Employees and officials legally possessing handguns may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including City and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any buildings open to the public which is not posted as prohibit the carrying of concealed weapons.
- B) Employees may not store a handgun in a City vehicle owned by the City of Spring Hill when they are not in the vehicle or on property owned by the City of Spring Hill.
- C) The handgun will be carried completely concealed, in a proper holster or similar product, with all safety features in place.
- D) Other than certified law enforcement officers, employees may not carry a concealed handgun within the restricted area of the Police Department at any anytime.
- E) If an employee elects to lawfully conceal and carry a handgun, the handgun cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
- F) Employees who enter onto “private property” during the course of their duties are required to comply with any restrictions imposed by the property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Attorney General.
- G) Employees will not leave a handgun in plain view and/or unattended.
- H) Other than certified law enforcement officers, it is outside the course and scope of employment for any city employee to use, brandish, point or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
- I) Employees must abide by any the posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas State Law. If an employee elects to lawfully carry a concealed handgun, the employee is prohibited from carrying into any City facility that has adequate security measures as defined in the Act. In addition, the employee is prohibited from carrying into other City

facilities until December 31, 2017, as the City has previously taken the steps to obtain an exception from the State requirements to have adequate security measures.

- J) Any injury suffered by an employee caused by carrying of the concealed handgun while working will not be considered for workers' compensation.
- K) Liability will be personal liability of an employee and no defense will be provided by City. Any liability associated with the employee's decision to carry a concealed handgun will be considered of a personal nature and will not be defended by the City as the carrying of a concealed handgun is not part of the employee's duties.
- L) Nothing in this Policy shall be construed to waive any immunity to which the City is entitled including but not limited to immunity under the Kansas Tort Claims Act.