

## **SMITHVILLE BOARD OF ALDERMAN**

### **WORK SESSION**

July 21, 2020 6:00 p.m.  
City Hall Council Chambers

**Due to the COVID-19 pandemic this meeting was held via teleconference.**

**Mayor, Aldermen, City Administrator, City Staff and City Attorney attended via the Zoom meeting app. The meeting was streamed live on the city's YouTube page with a link on the city's FaceBook page. Attendance in person by members of the public was not be permitted.**

#### **1. Call to Order**

Mayor Pro Tem Bloemker called the Work Session meeting to order at 5:59 p.m. Board members present via Zoom: John Chevalier, Marv Atkins, Steve Sarver, Melissa Wilson and Dan Ulledahl. Mayor Boley was absent.

Staff present via Zoom: Cynthia Wagner, Nickie Lee, Chuck Soules, Dan Toleikis, Jack Hendrix, Matt Denton, Jason Lockridge and Linda Drummond.

#### **2. Discussion of FY21 Employee Handbook**

Nickie Lee, Assistant City Administrator, explained we do review our employee handbook every year for potential updates. This is a really good practice and basically ensures that we are keeping in compliance with best practices and any new human resources related laws. It also gives our employees an opportunity to give input to make sure that we are providing for our employees and giving guidance. Every year staff brings forward a few edits and proposals for the Board to review. Staff will then bring forward the amended Employee Handbook to adopt in September to be implemented in November with the new budget year.

The first recommended revision came from the City attorneys, pertaining to equal opportunity employment discrimination and sexual harassment. The definition and language in Section 3-1 Equal Employment Opportunity and Section 18-2 Discrimination and Sexual Harassment is something that ties to federal language. In consultation with City attorneys, staff is recommending adding the term "or any other characteristic protected by law" to be in compliance with recent and potential future changes in federal equal opportunity categories.

The next section is Temporary Assignment to Higher Level Positions and an example of that is when we had a director resign from Parks and Recreation and temporarily promoted an employee to the interim Parks and Recreation Director position. This is in section 6-11 and allows us to put someone in an interim role. This is definitely something that we still want to do however, the prior language really excluded only one example of a time when it might not apply. When someone is out on vacation, they would not need someone to fill in an interim role. This change ensures that the

language applied to any situation and would have to go through the City Administrator and through human resources rather than including and excluding a lot of different scenarios.

Nickie explained that Section 6-13 Call Back and On-Call is really the most significant section from an employee and management standpoint.

*Section 6-13 Call-backBack and On-Call Time*

**Callback Definition:** *A call back occurs whenever an employee is required to return to work after they have left work at the end of normal shift for that day.*

*Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked regardless of the number of individual calls or a minimum of **one two (12) hours**, whichever is greater, except the minimum guarantee shall not apply to calls which occur within two (2) hours of a scheduled reporting time. All call-back time shall count as hours worked, including minimum guarantee time. Employees shall accumulate time from the time they begin to perform services for the City until they complete the services or are relieved from duty.*

*Employees who are required to appear in court in conjunction with their duties for the City shall be treated as called-back employees if the court appearance does not fall within their work schedules.*

**On-Call Definition:** *Some employees will be required to rotate on an on-call basis to provide adequate call-back coverage. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.*

*Department Heads in consultation with Human Resources are responsible for determining the need for On-Call availability and for assigning employees to On-Call status. The supervisor of the employee assigned to On-Call status shall maintain a roster of all qualified employees who may be required to be On-Call. An equitable rotation policy shall be followed in requiring employees to be On-Call.*

*Employees scheduled and performing on call duty shall be paid one (1) hour regular pay for each weekday and two (2) hours pay for each weekend day and holiday in an on-call status regardless of whether or not they are called in to work. Employees who are on call are required to answer the call to return to work within one hour.*

This really applies to utilities for times like the water main break we recently had. It is a perfect example of when an employee outside of their work hours has to come to work for any reason. It can also be a police issue or it really could be an issue for an hourly employee if they have to be called back in to work.

We are recommending adding on-call time that will actually compensate an employee for when they're on-call. The on-call time only applies for an employee when they are on-call and do not end up coming to work that day.

Section 8-5 acknowledges that there are times when an employee has a telecommuting work schedule. That section of the handbook really only encompassed a traditional work schedule. It basically said most employees come to



the office Monday through Friday. Staff has added a section that captured this scenario where somebody may telework.

Section 11-5 – Shared Leave Policy is a policy that we added with last year's handbook. It provides a shared leave pool for an employee who has a personal circumstance, typically medical, where they utilize all of their own sick time and vacation time and would need to receive donated time from other employees. The City attorneys recommended language be added that would capture the use of information that if that employee discloses something through the process, it would become part of their employees file. They also recommended we strike some language that referred to HIPAA privacy because those rules only apply in a medical setting, so using that language is irrelevant in this case. We will still protect employee information.

#### *Section 11-5 –Shared Leave Policy*

##### *A. Purpose*

*The purpose of this section is to establish a Shared Leave Program to provide additional paid leave to employees who are eligible to earn leave benefits who have exhausted all of the accrued leave time due to a serious personal or immediate family illness or injury which is life threatening, catastrophic or resulting in a permanent disability.*

##### *B. Use of Information*

*The Employee acknowledges that any information and documents presented to the City in support of an application for withdrawal from the Shared Leave Pool may be used by the City for any reasonable employment related matter.*

##### *B.C. Definitions*

*Shared Leave Pool Employee Pool – Defined as a City-wide pool which receives voluntary contributions of vacation or sick credits from employees eligible and converts it into leave credits to be used by eligible employees on behalf of themselves.*

*Shared Leave Committee – The "Shared Leave Committee" is a City-wide committee appointed by the City Administrator based on employee applications. It is comprised of four (4) fulltime employees which must include a Human Resources representative.*

*For the purposes of this policy the term "immediate family member" shall mean parent(s), Spouse or Significant other, child(ren) (including stepchild(ren) or foster child(ren)).*

*Donation of Vacation or Sick Time – Any employee that earns leave benefits is eligible to donate vacation or sick credits to the employee pool subject to the following conditions:*

*1) Contributions must be of at least one hour and employee must maintain an accrual of at least 40 sick hours.*

*2) Contributions will be converted to leave credits on an hour-for-hour basis.*

*3) Contributions made cannot subsequently be returned to the employee.*

*4) Employees may donate to the pool a maximum of 40 sick hours in any one calendar year.*

*3)5) Employees may not donate to the pool after having been terminated, resigned or have given notice of his/her retirement.*

*4)6) Employees may donate to the pool by submitting a Shared Leave Donations Form to their supervisor. Supervisors should submit the completed, approved form in order for the leave.*

Section 12-12 Paid Administrative Leave previously only applied in a scenario in which there was discipline. The recommended policy addition applies where administration direct staff not come to work, but employees will still be paid. This was identified due to the coronavirus response, where an employee was compensated when they do not actually come to work. This should be used minimally and only with City Administrator and Mayor approval. This is not something that we anticipate would ever be widely used, but we want to make sure that there is a double approval process.

Section 20-06 Employer-Issued Laptop Policy was added to acknowledge employee use of take-home technology. With the coronavirus we realized we did not have a policy for employee use of City laptops. This policy ensures that it is clear to the employee that they are responsible for their City issued laptops.

***Section 20-6 Employer-Issued Laptop Policy***

*At the discretion of the City Administrator, city employees may be issued one (1) laptop of the City's choosing for use during working hours and/or after hours in the office or at the employees' homes.*

*Each person assigned a laptop is responsible for its proper care and use. Each employee will be responsible for replacement of the laptop or the deductible on damage or loss during non-working conditions. Loss or damage caused during normal working conditions other than gross neglect will be the responsibility of the City.*

*Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. Any outstanding debt will be deducted from the employee's final paycheck. Any misuse or abuse of the laptop or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.*

Section 20-8 Telecommuting Policy was added not just for the situation of coronavirus but if we have an employee that is wanting to use telecommuting or working from home on a regular basis. This policy outlines how the employee would work through the process with Human Resources and their Department Director about what expectations are, what their hours might be, what their responsibilities are, and whether they have the kind of job that would apply to teleworking.

***Section 20-8 Telecommuting Policy***

*General Information: The occasionally permits employees to telecommute when the employee's Department Head, and City Administrator evaluates the telecommute request and approves it. When evaluating the request, the Department Head must determine that the employee can effectively perform the job duties of the position while telecommuting. The Department Head must also determine that the telecommuting arrangement conforms with applicable regulations and policies.*



Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City.

Telecommuting Definition: For the purpose of this policy, telecommuting refers to an arrangement where an employee occasionally or regularly works from home or from a location away from the normal workplace.

Arrangements may be made on an as-needed basis for circumstances such as inclement weather, special projects, business travel, family and medical leave, and other temporary situations as deemed appropriate by the Department Head and City Administrator. All telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the City.

Eligibility: Individuals requesting telecommuting arrangements must be employed with the City for a minimum of 6 months of continuous, regular employment and must have a satisfactory performance record. This policy may apply in situations such as a pandemic or weather-related event.

Before entering into any telecommuting arrangement, the employee and Department Head, with the assistance of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability: The employee and Department Head will assess the needs and work habits of the employee. Considerations include how well the employee has demonstrated the kind of skills and work habits that working from home will require.
- Job responsibilities: The employee and Department Head will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workplace design considerations and scheduling issues.
- Department readiness for telecommuting: Ensure that the teleworking employee will continue to get work done effectively. Determine the following:
  - How will the Department Head and co-workers stay informed about the employee's productivity?
  - How will the department and employee communicate?
  - When is in-person attendance required?
- Other practical details, including technology access, equipment needs, time and leave accounting, and any safety concerns.

Related policies and practices: Both Department Heads and employees must understand and comply with the following policies:

- Security: Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of confidential city information, including, but not limited to:
  - Personal and financial information belonging to city residents and employees
  - Other confidential information belonging to, or in the care of, the City
  - Certain documents containing sensitive information should not be removed from the business office, including but not limited to: protected health information; financial records belonging to the City, employees, or residents; or other sensitive information as determined by the Department Head and/or City Administrator.
- Public Records Disclosure: The work employees do while telecommuting remains subject to City and other applicable regulations including the Missouri Sunshine Law, regardless of the use of a City-issued device, or a personal device.



- Overtime eligible employees: For non-exempt employees, work performed off site is compensable and subject to Fair Labor Standard Act (FLSA) overtime regulations. It is the responsibility of the employee to accurately track and report their time worked. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.
- Workers' Compensation: Telecommuting employees are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. When the telecommute site is in the home, workers' compensation does not cover injuries that are not job related.

Mayor Pro Tem Bloemker said that the Employee Handbook changes would come back before the Board in September to be implemented on November 1.

### **3. Discussion of FY21 Compensation Plan**

Nickie Lee, Assistant City Administrator, stated this is a very similar process and timeline to the handbook updates. This is a review that is done annually with the budget process where we review every position description and the pay scale and pay plan. That way we can ensure when presenting the budget that it reflects some of the best practices and encompasses any changes that we may need to our positions for that coming year.

One of the most important things that staff does is look to see what our peers are doing for the upcoming budget year. Staff makes phone calls to cities in the northland, look across the state and at cities all across the Kansas City metro. Not only does staff talk to them about their proposed salary increases to employees but discuss actual pay scales to make sure that our positions are in line with their positions.

This year there are a lot of differences especially related to coronavirus. Staff found that not few communities are including COLA or cost-of-living. A lot of this is due to the .4% CPI growth for the past 12 months. Previously we did a cost of living increase for all employees in the fall. Last year we did not do across the board increases but tied any increases to merit instead. What we did do was increase the salary ranges to keep up with that cost of living, so even if the employee pay was not increased, we wanted the range to increase to keep up with the market. We found that since CPI is averaging less than 1%, we are not proposing the changes be adjusted.

Last year and the previous year we started a new evaluation process for employees. In the spring, every employee is evaluated. Employees increases are based performance evaluations. This has been a very positive process and it has put a lot of accountability on employees and on departments heads to recognize the pay increase based on merit.

Staff is recommending another 3% merit pool in this year's budget. This is consistent with what we see in peer organizations across the Kansas City metropolitan area.

Nickie then explained a couple department specific changes, one would be that we are not proposing any kind of across the board range adjustments. There are

several positions in the organization that we did adjust the range but not their pay based on a couple of key metrics, one would be that we are making sure that employees that are in positions similar to other positions in the city have similar pay bands. Staff has found that before you might have a crew leader in one department whose pay range was completely different than a crew leader in another department. Staff is making an effort that we have consistency and compensation based on employee responsibilities. The one key area where we found that really varied was in the department directors. For example, you might look at the police chief minimum and maximum were around \$1,000 off from another department director. Staff has synced up a couple of different bands of Department Directors to ensure that the dollar amounts matched. Staff wants to make sure in going forward that those also sync up so that there is some consistency and fairness across the organization.

There were several other positions where staff did increase the maximum because we found that those maximums were arbitrarily low compared to similar positions in other departments. In all the situations she just explained, none of those employees were recommended to receive any kind of increase for the adjustment, it is just widening the range.

The merit adjustment in the budget process will have a \$42,000 impact to the General Fund and a little over \$12,000 to the Utility Funds. We do have some employees who if they are at the top of their pay range may receive a lump-sum payment instead of full 3%. That is only if they receive the successful rating or above on their evaluation process.

Staff is recommending one change in the Development Department. Staff found in looking at other organizations and looking at what our employee responsibilities are, other cities with a similar position called the position a permit technician. This position title really better captures the needs of our citizens for the Development Department.

In the rest of the Compensation Plan there are some minor changes to position descriptions. They might be modifying requirements for the job or a technicality in the kind of code that we use.

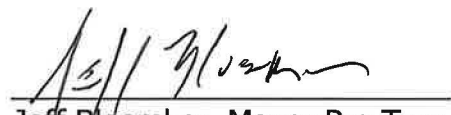
Nickie explained that for now staff has left the Police Department position descriptions as is. Staff plans to address those in the fall when we bring forward the discussion of the Police Department as a whole.

Mayor ProTem Bloemker thanked staff for their work on these items.

#### **4. Adjourn**

Mayor Pro Tem Bloemker declared the Work Session adjourned at 6:20 p.m. and the Board proceeded with the Regular Session.

  
Linda Drummond, City Clerk

  
Jeff Bloemker, Mayor Pro Tem