



Board of Aldermen Request for Action

MEETING DATE: 10/18/2022

DEPARTMENT: Administration

AGENDA ITEM: RES 1135, Amendment to the Employee Handbook

REQUESTED BOARD ACTION:

A motion to approve Resolution 1135, amending the Employee Handbook.

SUMMARY:

There are four proposed amendments to the Employee Handbook. The first is section 6-12 Overtime and Compensatory Time. In this section staff has requested that additional language be added to accommodate Traffic Enforcement Overtime. The language states that police officers that work on a Traffic Enforcement Project through the State, the officer will be subject to be paid double time.

The second update is the addition of the paid holiday of the Monday following the celebration of Founders Day. This was added based on the discussion and direction of the Board of Aldermen during the October 4, 2022 Work Session.

The third update is the clarification of Section 10-9 Mandatory Vacation. Currently the policy states that an employee must take 40 hours of consecutive vacation time, not including holidays. Staff is proposing to change the language to include holiday time to alleviate the use of accrued holiday time. The new language states that an employee may use any holiday time within the required 40 hours of vacation time taken to meet the requirement of mandatory vacation time.

The fourth update is the deletion of Section 11-6 Evaluation for and/or Absence from Work Sick Days Related to COVID-19. In the early stages of the pandemic, the City followed federal guidelines and provided paid time off for employees who tested positive for COVID or had to care for a sick member of the family. The federal leave requirement expired in late 2020, but the City continued to provide administrative time off, with employees not required to take personally accrued sick leave time. On October 19, 2021, the Board of Aldermen approved Resolution 985, the Employee COVID-19 Policy. Through this policy, vaccinated employees have been able to continue to use up to 14 days of COVID leave if the employee has tested positive or if a member of their family that the employee cares for has tested positive for COVID-19. As guidelines change and the number of COVID cases declines, staff is recommending the deletion of this policy. With approval of this proposed deletion, any employee that tests positive for COVID will need to use their own accrued sick time.

PREVIOUS ACTION:

The Employee Handbook is reviewed and updated annually. The most recent changes were adopted by the Board on July 19, 2022, effective July 20, 2022.

POLICY OBJECTIVE:

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FINANCIAL CONSIDERATIONS:

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ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Employee Handbook Redline Version | |

RESOLUTION 1135

A RESOLUTION ADOPTING AMENDMENTS TO THE EMPLOYEE HANDBOOK

WHEREAS, the City of Smithville has adopted and set forth principles and procedures to be followed by the City in the administration of the City's personnel program. These principles and procedures were adopted to establish an efficient, equitable and functional system of personnel administration to govern the appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment; and,

WHEREAS, the update of Section 6-11 is recommended to put in place Traffic Enforcement Overtime for police officers; and,

WHEREAS, the update of Article 9 is recommended to include a paid holiday to employees of the Monday following the celebration of Founders Day; and,

WHEREAS, the update of Section 10-9 is recommended to allow employees to use holiday time to meet the requirement set forth within the mandatory vacation policy; and,

WHEREAS, the deletion of Section 11-6 is recommended to withdraw the Employee COVID leave policy; and,

WHEREAS, the Board of Aldermen of the City of Smithville desires to adopt the changes to the existing policies and procedures as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

WHEREAS, the Board of Aldermen of the City of Smithville states that each existing policy and procedure not specifically amended are hereby readopted in conjunction with the amendments set forth as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

WHEREAS, the Board of Aldermen of the City of Smithville wish to restate that the policies and procedures as amended is not intended to be a contract between the City and its employees and does not create contractual rights for employees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:

THAT, the existing policies and procedures as amended are the policies and procedures which should be followed effective November 1, 2022 by the City in the administration of the City's personnel program.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18th day of October 2022.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Employee Handbook

Effective ~~July 20~~October 18, 2022

**PERSONNEL POLICIES HANDBOOK
TABLE OF CONTENTS**

ARTICLE 1 GENERAL PROVISIONS	6
Section 1-1 Purpose of Rules	6
Section 1-2 Positions Covered by the Rules.....	6
Section 1-3 Administration of the Rules	6
 ARTICLE 2 DEFINITION OF TERMS	 7
 ARTICLE 3 GENERAL EMPLOYEE POLICIES.....	 11
Section 3-1 Equal Employment Opportunity	11
Section 3-2 Alcohol & Controlled Substance Use, Abuse & Testing Policy	11
Section 3-3 Health and Safety	19
Section 3-4 Smoking Cessation and Smoking Permitted Areas.....	20
Section 3-5 Applicants and Employees with Disabilities	20
Section 3-6 Attitude and Appearance.....	21
Section 3-7 Uniforms; Clothing Provisions.....	21
Section 3-8 Commercial Drivers' License	21
Section 3-9 Weapons	22
Section 3-10 Workplace Violence and Threats.....	22
Section 3-11 City's Right to Search.....	23
 ARTICLE 4 PAYROLL	 23
Section 4-1 Pay Periods; Pay Days	23
Section 4-2 Direct Deposit	23
 ARTICLE 5 INTRODUCTORY AND QUALIFYING PERIODS	 24
Section 5-1 Purpose	24
Section 5-2 Duration	24
Section 5-3 Evaluation and Counseling	24
Section 5-4 Extension of Introductory Period	24
Section 5-5 Termination During Introductory Period.....	24
 ARTICLE 6 COMPENSATION PLAN	 26
Section 6-1 Authority to Establish Salaries	26
Section 6-2 The Compensation Plan	26
Section 6-3 Standards for Determination of Pay Ranges	26
Section 6-4 Amendment of the Compensation Plan	26
Section 6-5 Total Remuneration.....	27
Section 6-6 Dual Employment Prohibited	27
Section 6-7 Special Assignments	27
Section 6-8 Application of the Compensation Plan	27
Section 6-9 Salary Advancements	28

Section 6-10 Pay Rate Adjustments.....	28
Section 6-11 Temporary Assignment to Higher Level Position	29
Section 6-12 Overtime and Compensatory Time.....	29
Section 6-13 Call-Back and On-Call Time	30
ARTICLE 7 PERFORMANCE APPRAISAL	31
Section 7-1 Responsibilities.....	31
Section 7-2 Employee Performance Appraisals	31
ARTICLE 8 WORK SCHEDULES AND ATTENDANCE	32
Section 8-1 Regular Working Hours; Exceptions	32
Section 8-2 Work Schedules Determined by Department Head.....	32
Section 8-3 Required Attendance	32
Section 8-4 Closure of Buildings.....	32
Section 8-5 Telecommuting Work Schedule.....	32
ARTICLE 9 PAID HOLIDAYS	33
ARTICLE 10 VACATION LEAVE	35
Section 10-1 Amount.....	35
Section 10-2 Accrual	35
Section 10-3 Payment Upon Separation.....	35
Section 10-4 <i>Holidays Occurring During Vacation Period</i>	36
Section 10-5 Use of Vacation Leave	36
Section 10-6 Vacation Schedules.....	36
Section 10-7 When Taken.....	36
Section 10-8 No Hours	36
Section 10-9 Mandatory Vacation	35
Section 10-10 Vacation Buyback	36
ARTICLE 11 SICK LEAVE	37
Section 11-1 Amount.....	38
Section 11-2 When Taken.....	38
Section 11-3 Accrual	38
Section 11-4 Return to Work/Fitness for Duty Medical Examinations	38
Section 11-5 Shared Leave Policy	
Section 11-6 Evaluation for and/or Absence from Work Sick Days Related to COVID-19	42
ARTICLE 12 SPECIAL LEAVE	46
Section 12-1 Approval Authority.....	46
Section 12-2 Court Leave	46
Section 12-3 Military Leave.....	46
Section 12-4 Military Training Leave of Absence.....	47

Section 12-5 Maternity Leave.....	48
Section 12-6 Family and Medical Leave	48
Section 12-7 Occupational Injury Leave.....	50
Section 12-8 Absence Without Leave.....	50
Section 12-9 Bereavement Leave	50
 Section 12-10 Education Leave	51
Section 12-11 Special Assignment Leave	51
Section 12-12 Paid Administrative Leave.....	51
 ARTICLE 13 OTHER FRINGE BENEFITS	52
Section 13-1 Life Insurance Coverage	52
Section 13-2 Health Insurance Coverage	52
Section 13-3 Vision Insurance Coverage	52
Section 13-4 Dental Insurance Coverage	53
Section 13-5 Voluntary Insurance Coverage.....	53
Section 13-6 Retirement Plans	54
Section 13-7 Long-Term Disability Insurance	54
Section 13-8 Employee Assistance Program	54
 ARTICLE 14 SEPARATION AND DISCIPLINARY ACTIONS.....	55
Section 14-1 Resignations	55
Section 14-2 Termination	55
Section 14-3 Reduction in Force; Layoffs	55
Section 14-4 Return of City Property	55
Section 14-5 Discipline	56
Section 14-6 Disciplinary Actions Defined	58
Section 14-7 References.....	59
Section 14-8 Authority of Board of Aldermen and Mayor.....	59
 ARTICLE 15 APPEALS AND GRIEVANCES	60
Section 15-1 Grievance Policy	60
Section 15-2 Appeal Policy.....	61
Section 15-3 Conduct of Investigation	61
 ARTICLE 16 RECORDS AND REPORTS	62
Section 16-1 Personnel Records	62
Section 16-2 Reports.....	62
Section 16-3 Public Records.....	62
 ARTICLE 17 TRAVEL EXPENSES	63
 ARTICLE 18 PROHIBITIONS AND PENALTIES	68
Section 18-1 Participation in Political Activities	68
Section 18-2 Discrimination and Sexual Harassment.....	68

Section 18-3 Nepotism; Restriction on Employment of Relatives	70
Section 18-4 Outside Employment.....	70
Section 18-5 Conflict of Interest.....	71
Section 18-6 Disability and Reasonable Accommodation	71
Section 18-7 Penalties	72
ARTICLE 19 MANAGEMENT RIGHTS	73
Section 19-1 Retained Rights	73
ARTICLE 20 ELECTRONIC COMMUNICATION POLICY	74
Section 20-1 Purpose	74
Section 20-2 Policy.....	74
Section 20-3 Eligibility	74
Section 20-4 General Guidelines for Internet/e-mail Usage	74
Section 20-5 Employer-Issued Cellular Phone Policy	75
Section 20-5 Employer-Issued Cellular Phone <i>Policy</i>	76
Section 20-7 Social Media Policy	77
Section 20-8 Telecommuting Policy	77
ARTICLE 21 SAVINGS CLAUSE AND AMENDMENT	79
Section 21-1 Savings Clause	79
Section 21-2 Amendment.....	79

ARTICLE 1 GENERAL PROVISIONS

Section 1-1 Purpose of Rules

It is the purpose of these rules to set forth the principles and procedures which will be followed by the City in the administration of the City's personnel program. They are intended to establish an efficient, equitable and functional system of personnel administration which governs the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. They are not intended to be a contract between the City and its employees and do not create contractual rights for employees. The City reserves the right to change the Handbook at any time. Unless otherwise approved by the Board of Aldermen and subject to these policies and any applicable law, all City employees are employed on an at-will basis. This means that employment is not guaranteed for any specific duration of time, and the City retains the right to terminate an individual's employment at any time, with or without cause. No oral representations made by a City employee with respect to continued employment can alter this relationship. Likewise, no statement made in this Personnel Policies Handbook is intended to alter the at-will nature of employment with the City.

Section 1-2 Positions Covered by the Rules

These rules shall apply to all positions in all departments of the City and to such other positions as may be provided herein subject to applicable Missouri law.

Section 1-3 Administration of the Rules

The City Administrator, under the general supervision of the Mayor, shall be charged with the overall responsibility for the administration of these rules.

ARTICLE 2 DEFINITION OF TERMS

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

Anniversary Date

Date of appointment or promotion to a position in the City; service or date of transfer to a different class in the City service for current period of continuous service.

Appointing Authority

The City Administrator or a designee of the City Administrator, or any person having the power by state law or other lawfully delegated authority to make appointment to positions in the City service.

Appointment

The designation to a position in the City service of a person who has qualified for the appointment through an appropriate selection process.

Board of Aldermen

The duly elected Board of Aldermen of the City or a designee when appropriate.

City Administrator

The duly selected City Administrator of the City or a designee when appropriate.

Class

One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

Classification

The original assignment of a position to an appropriate class based on the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.

Date of Employment

The date an employee starts work as a new hire or rehire.

Date of Termination

The date an employee separates from employment.

Demotion

The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

Department

Any of the departments under the jurisdiction of the Board of Aldermen, now or as hereafter established.

Department Head

The chief operating manager of any department.

Domestic Partner

A partner that is not legally married to or is not the domestic partner of anyone else; the domestic partners intend to remain each other's sole domestic partner indefinitely; the domestic partners live together in the same principal residence and intend to do so indefinitely; the domestic partners are committed to each other and share joint responsibilities for their common welfare and financial obligations and the domestic partners are not related by blood, closer than would prohibit marriage in the state in which they reside.

Exempt Employee

An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) or who is not covered by the act, particularly as it relates to overtime.

Full-time Employee

An employee occupying a position included in the adopted annual budget that is neither specified part-time nor temporary employment, nor limited for a period of less than the budget year. Also, any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

Grievance

A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor, other than discipline.

Human Resources Department

A subset of the Administration Department, typically the Assistant City Administrator.

Immediate Family

A spouse (to include domestic partner), parents (to include step-, in-laws and parents of domestic partner), siblings (to include half- and step-), children (to include step and foster), in-laws (to include daughter/son and brother/sister), Grandparents (to include step) and Grandchildren (to include step).

Introductory Employee

A full-time or part-time employee serving an introductory working test period.

Introductory Period

A working test period during which a newly appointed full-time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

Job Description

A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

Layoff

Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

Mayor

The duly elected Mayor of the City or a designee when appropriate.

Non-Essential Personnel

Employees whose job duties do not directly relate to the health, safety, and welfare of the community, ensure continuity of key City operations, or protect City properties.

Part-Time Employee

An employee who is regularly scheduled through the year, that may be specified in the annual budget as part-time and who work less than full-time employees, and are not temporary/seasonal employees.

Position

A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

Promotion

The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

Qualifying Period

The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

Reclassification

The official determination that a position be assigned to a class different from the one to which it was previously classified based on a gradual change in the position to include duties clearly outside of the current class or an immediate change in a position brought about by a division or department reorganization or redistribution of duties. Whether an employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

Repositioning

The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other City classes) or "external competitiveness" (relationship with wage and salaries paid in the comparable selected labor markets).

Resident

A person whose principal place of domicile is within the corporate boundaries of the City.

Temporary/Seasonal Employee

Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

Transfer

The movement of an employee from one department, division, or unit of the City government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

Vacancy

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

ARTICLE 3 GENERAL EMPLOYEE POLICIES

Section 3-1 Equal Employment Opportunity

It is the intent of the City that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, disability, or any other characteristic protected by law. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

Section 3-2 Alcohol & Controlled Substance Use, Abuse & Testing Policy

A. Policy Objectives

It is the policy of the City to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the City to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by using alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug-related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

B. Applicability

This policy applies to all applicants and employees, including but not limited to managers, department heads, supervisors, full-time employees, part-time employees, off-site employees, and persons who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation

of a commercial vehicle and all law enforcement and emergency services personnel, as well as others in safety-sensitive positions in the jurisdiction. All contractors of the City shall be required to state in writing that they comply with the provisions of the act and its implementing regulations while engaged in services for the City or in activity while on City property as a condition of the award of any such contracts for services or work and the continuation of same.

C. Definitions

1. Policy Administrator: a City employee designated by the Board of Aldermen.
2. Commercial Vehicle: as defined in the Missouri statutes requiring a commercial drivers' license.
3. Delay: any failure to immediately report to the test site to participate in the required testing under this policy.

D. Policy Administrator

Unless otherwise designated by the City, the designated policy administrator for the City is the City Administrator, who shall be designated as the controlled substance and alcohol policy administrator. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The policy administrator shall develop and maintain a current list of the Positions that are governed by this policy. The list shall be available for inspection in the offices of the City Administrator. Individuals who are applying for positions with the City and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

E. Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions for alcohol-related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or because of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the human resources department of such consumption upon reporting to work and prior to engaging in any work-related activity, or earlier if possible and shall provide a letter from the employee's physician stating that the employee does not suffer from any such side effects and therefore is capable of safely completing the employee's job description. Failure to report shall be cause for disciplinary action up to and including termination from service.

F. Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing; random testing (except as provided herein); reasonable suspicion testing; post-accident testing; return-to-work testing; and follow-up testing to rehabilitation programs.

1. Pre-Employment Testing: Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers upon an employee's written authorization.
2. Reasonable Suspicion Testing: Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made based on documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the

controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case, no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

3. **Post-Accident Testing:** Post-accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued to a City employee after an accident, or when disabling damage to one or more vehicles requires towing from the accident site to occur, or testing may be required where any accident (vehicular or involving equipment) results in injury to a person requiring medical assistance beyond first aid. Testing shall include both breath alcohol and urine drug testing of the employee(s). Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident. Transportation shall be provided by the employee's immediate supervisor.
4. **Random Testing:** Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.
5. **Return-to-Work Testing:** Return-to-work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by a SAP reasonably approved by the City before being permitted to return to work.
6. **Follow-up Testing:** Follow-up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date. Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee-requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the reasonable control of the employee. The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

7. Failure to Test: Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all the consequences that flow. Any employee and/or applicant may be accompanied by a designated City employee to the testing facility and observed up until the time of the testing. However, with regard to post-accident and reasonable suspicion testing, employees shall be accompanied by a designated City employee to the testing facility and observed up until the time of the testing.

G. Testing Controls

1. Alcohol: Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.
2. Controlled Substances: Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following federally-controlled substances:
 - a. Marijuana (THC metabolite)
 - b. Cocaine
 - c. Amphetamines
 - d. Opiates (including heroin)
 - e. Phencyclidine (PCP)
 - f. Methadone
 - g. Barbituates
 - h. Benzodiazepines
 - i. Tricyclic antidepressant
 - j. Methamphetamine

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis. Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review

Officer (MRO). The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

H. Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. The City's disciplinary policy provides guidance to the discipline that may be imposed.

I. Rehabilitation Effort

Any employee who is determined to need assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City, at no cost to the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City.

Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.

The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City; and
2. the employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. the employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. the employee agrees to unannounced random testing for City- determined periods of time subsequent to the employee's return to work consistent with this policy; and
5. the employee agrees to submit to return-to-work testing demonstrating that the employee is negative under controlled substance and/or alcohol test standards; and
6. the employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from City service without recourse.

J. Contractual Support Professionals

Other than as set forth herein, any testing done by the City or at the City's direction shall be done by an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The City may contract for the required alcohol testing or may perform the testing using qualified City personnel who utilize appropriate testing equipment.

The City shall engage the services of an independent contractor to serve the City as the MRO who is properly credentialed and trained in compliance with the federal regulations, who shall not be an employee of the City. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City needs to comply with the federal reporting requirements.

The City shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

K. Education & Training

The City shall provide all employees with a copy of this policy and access to materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing, noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.

The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited work-related activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping. The training may also provide components related to City-sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.

L. Confidentiality

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO, and the SAP, when and as

applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

M. Disciplinary Issues

Unless otherwise specified in this policy, the City's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy, up to and including termination.

Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred because of violation of City policy or state and federal laws, or as provided in the workers' compensation laws.

N. Coordination with Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the City. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

If any part of this policy is judicially determined to conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

O. Amendments

This policy is subject to amendment by the City from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

P. Drug Awareness Program

Employees are made aware of the drug-free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees

performing safety-sensitive functions, which include any duties related to the safe operation of City vehicles or equipment, the information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors shall receive training on the physical, behavioral, and performance indicators of probable drug use. The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

Q. City's Right to Test

An individual may not be hired to perform a safety-sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re-hires of full-time, part-time, or temporary/seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the City. Those persons who do not pass such test(s) shall not be employed.

Section 3-3 Health and Safety

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

A. All employees shall:

1. be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
2. actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;
3. refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
4. wear protective equipment, use protective devices and wear safety belts in all City vehicles so equipped;
5. report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a City vehicle is a responsibility or privilege of the job;
6. be properly licensed at the time of employment or assignment to a vehicle (if they are responsible for driving City vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating City vehicles.

B. The City will pay for immunizations when approved by the City Administrator.

C. The City may retain a physician(s) to perform services for the City. These services may include post-offer employment physicals, disability retirement physicals, examinations and/or treatment of on-the-job injuries, and verification of illness and/or injury, among other services. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the City, and it will be the responsibility of the employee to make any scheduled

appointments with the retained physician(s). For charges not covered by Workers' Compensation, the City will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the City's health insurance plan, with the employee responsible for any portion not paid by the health plan.

- D. Safety eye glasses and safety boots or shoes shall be provided for all employees whose jobs warrant such protection as designated by the department head. The City will provide a limited number of styles meeting safety standards from which employees may select.
- E. Safety shoes, boots and glasses will be repaired or replaced by the City as necessary. Replacements and repairs may be made without cost to the employee if the shoes, boots or glasses are damaged during the employee's job performance or when an eyeglass prescription changes. Employees must present their damaged shoes, boots and glasses to the supervisor to obtain permission before obtaining replacements.

Section 3-4 Smoking Cessation and Smoking Permitted Areas

The City maintains a tobacco-free environment for the preservation and protection of the health of our employees and the public. "Tobacco Product" means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. The term includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco use is prohibited inside City-owned office buildings, while operating City-owned vehicles and equipment, and while performing the duties of the job.

Smoking Permitted Areas are limited to one each at City Hall, Street Department building/Water Plant, Parks Department building, and Wastewater Plant. Smoking Permitted Areas are designated by department heads and approved by the City Administrator, identified by signage, and may be utilized by employees only prior to the employees' scheduled start of work time, during authorized employee breaks, or after the employees' scheduled ending work time.

Section 3-5 Applicants and Employees with Disabilities

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The department head and human resources department shall consult with the

disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented.

Assessing the reasonableness of the possible accommodations shall include the following factors:

1. how well it accommodates the needs of the individual with a disability;
2. how reliable it is;
3. whether it can be made available in a timely manner;
4. and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

The City Administrator, under the supervision of the Mayor, shall make the final decision as to whether the accommodation is reasonable and does not present an undue hardship.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the City relating to disabilities and the accessibility of services.

Section 3-6 Attitude and Appearance

A friendly and courteous attitude by City employees toward the public and coworkers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to citizens to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming. For certain employees, the department should require shirts with the City of Smithville logo.

Section 3-7 Uniforms; Clothing Provisions

The City will provide for the uniform and special clothing needs of its employees. The needs will be met by the purchase or lease of the appropriate uniforms and clothing, and generally may include dry cleaning services where necessary. The employee will be responsible for the proper care and use of clothing and uniforms and the laundering of same, if appropriate.

A uniform allowance may be provided to employees to purchase any additional required special clothing. It will be the responsibility of the employee to adhere to required uniform policies approved by the City.

Section 3-8 Commercial Drivers' License

The law requires employers to make certain that drivers of "commercial vehicles," including certain City vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, City employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The City may provide employees with the training and assistance necessary to comply with the licensing requirements as follows:

1. up to four (4) hours training on the written testing materials;
2. up to two (2) hours training on the pre-trip portion of the test on a vehicle similar to the one the driver would drive during the testing;
3. and/or making an appropriate vehicle in the class an employee must be licensed in available to the employee for road testing and allow time for the testing.

Employees shall be required to have and maintain the necessary class of drivers' licenses at their expense.

Section 3-9 Weapons

To improve the overall safety of the workplace, employees (other than City Police Officers) are not permitted to bring weapons to work or carry weapons in City vehicles. Prohibited weapons include guns, switchblades, or other knives (deemed to be dangerous or illegal), hunting bows, explosives, or other items which could be construed as weapons, such as paintball/air soft guns. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

Nothing in this Section shall preclude the Mayor and any member of the Board of Aldermen, or any Committee appointed by the Board of Aldermen who holds a valid State of Missouri concealed carry endorsement from carrying a licensed concealed firearm in compliance with the Missouri concealed carry law at a meeting of the City Board of Aldermen or City Committee of which they are a member.

Section 3-10 Workplace Violence and Threats

The City is concerned about the safety of its employees and is committed to maintaining a work environment that is secure and free from incidents of violence or threats of violence. The City will not tolerate incidents of violence because such incidents are contrary to and interfere with City objectives. Acts of aggression are often precursors to actual violence so the City will give immediate attention and serious consideration to all reports of incidents of aggression and will initiate appropriate actions.

This policy defines aggression broadly as any of the following: unwelcome forceful physical touching; intimidating, threatening or hostile actions; intimidating, threatening or hostile communications, whether oral, written, or nonverbal, made in person or communicated by any other means; vandalism; arson; sabotage; throwing objects; unauthorized possession or use of a weapon on City property; or any other acts or communications of a similar nature. This policy also covers interpersonal conflicts occurring away from work that may create the risk of aggression

resulting from such conflicts being carried out while at work. All City employees are required to immediately report any acts or threats of aggression to the human resources department, the City Administrator, and the Chief of Police. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

Section 3-11 City's Right to Search

When the City has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the City to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and a violation of City policy which will subject the employee to disciplinary action up to and including termination.

ARTICLE 4 PAYROLL

Section 4-1 Pay Periods; Pay Days

Pay days shall be on a bi-weekly schedule with pay day on the Friday after the completion of the pay period. Pay periods shall run from Sunday through the following second Saturday.

Section 4-2 Direct Deposit

All employees are required to participate in direct deposit as a condition of employment. Employees are allowed to select the financial institution that will receive the direct deposit.

Employees must complete a Payroll Direct Deposit application form to participate. The completed application authorizes the City to deposit (credit) the employee's net pay into a designated checking or savings account. It also authorizes an employee's account to be debited only when an error has occurred in a payment to the employee.

Payroll direct deposit of the employee's net pay will begin the pay cycle following the acceptance of a properly completed application form. The City will conduct payroll direct deposit through the automated clearing house system (ACH), utilizing an originating depository financial institution. The rules of the National Automated Clearing House Association (NACHA) and its member local Automated Clearing House Associations shall apply, as limited or modified by law.

ARTICLE 5 INTRODUCTORY AND QUALIFYING PERIODS

Section 5-1 Purpose

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or rehired employee to the position, and for replacing any employee whose performance does not meet the required work standards. A new employee who has not successfully completed an introductory period and/or extension thereof, shall not have access to grievance or appeal privileges.

Section 5-2 Duration

All original appointments and re-employments to full-time and part-time positions shall be tentative and subject to an introductory period. For entry-level personnel in the law enforcement department, this period shall be for at least one (1) year from the date of employment and 18 months for all Police Academy Recruits. All other appointments shall be subject to an introductory period of at least six (6) months.

Section 5-3 Evaluation and Counseling

During the employee's introductory period work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by the supervisor, department head and other appropriate City officials. Supervisors shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees should be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

Section 5-4 Extension of Introductory Period

With the approval of the City Administrator or of a department head, the original introductory period may be extended to a maximum of fifty (50) percent of the original length of time if circumstances warrant an extension.

Section 5-5 Termination During Introductory Period

An employee terminated during the introductory period shall not have access to grievance procedures. The department head shall fill out the appropriate personnel action forms when a decision on termination has been made, and such termination will be official when such forms are signed by the City Administrator and filed with the human resources department. If the introductory employee fails to meet required standards of performance, such employee is to be dismissed. During the introductory period for new employees, the employee is not eligible to use sick or vacation leave, except with the direct permission of the department head, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the introductory period will be paid to introductory employees.

At the end of each employee's introductory period, the department head shall complete a probationary report and notify the City Administrator and the human resources department in writing that either:

1. the employee has successfully completed the introductory period and can perform the duties of the position satisfactorily, and is henceforth to be considered a full-time employee with all the rights and privileges due such an employee; or
2. the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from city employment, or if promoted from another position, returned to the previous or similar classification.

ARTICLE 6 COMPENSATION PLAN

Section 6-1 Authority to Establish Salaries

The City shall establish pay ranges for the officers and employees under the jurisdiction of the City.

Section 6-2 The Compensation Plan

The compensation plan for the City service shall include:

1. a schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each classification approved for City use, or as otherwise established by law;
2. a list of classes of positions with the salary range number and minimum and maximum rates of pay shown for each class of positions;
3. supplements, amendments, and/or revisions, from time to time, as passed by the City; and
4. job descriptions of each position.

Section 6-3 Standards for Determination of Pay Ranges

Pay ranges shall be related directly to the salary schedule set by the Classification and Compensation Study completed and approved by the Board of Aldermen on January 18, 2022. Placement of an employee in specific pay ranges shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work, market analysis, and internal equity. The minimum and maximum rates of each pay range shall be reviewed annually with the adoption of each budget, considering the above factors, cost-of-living factors, and the financial policies and economic considerations of the City.

Section 6-4 Amendment of the Compensation Plan

Any department head in the City service may initiate a written request to the City Administrator for the amendment of the pay plan. The City Administrator shall study and make a determination concerning the request and shall notify in writing, the person and department concerned of the disposition of the request.

Prior to the preparation of each annual budget, as well as at other times, the City shall make comparative salary studies as deemed necessary concerning factors affecting the level of salaries in the City service. Based on the information derived from such wage and salary studies, the City shall adopt such repositioning of classes pertinent to the internal equity and external competitiveness of the overall compensation program.

In arriving at such salary recommendations, the City Administrator shall take into consideration the advice and suggestions of department heads and appointing officers as to the duties, degree of responsibility, and working conditions involved. Recommendations made for the amendment of the compensation plan for repositioning or reclassification of specific classes of positions shall

be considered by the City. When adopted by the City, these amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of positions as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of positions in the City service.

Section 6-5 Total Remuneration

Any salary rate established for an employee shall be the total remuneration for the employee, exclusive of overtime services, not including reimbursement for official travel or other authorized allowances. Except as otherwise provided in this article, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered, either in the discharge of ordinary duties or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.

In any case in which part of the compensation for services in a City position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the City, state, or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

Section 6-6 Dual Employment Prohibited

No full-time employee holding a position in the City service shall be eligible for employment in any additional position in the City service.

Section 6-7 Special Assignments

Employees assigned to undercover work which causes the individual to mock employment with an organization other than the City shall reimburse the City for any earnings in excess of earnings provided by the City.

Section 6-8 Application of the Compensation Plan

The compensation plan, containing standard salary ranges for respective classes of positions, shall be applied to all such classes of positions in accordance with the following:

1. Rates: all rates prescribed in the ranges of pay represent the total remuneration, including pay in every form authorized for full-time employment. Where employment in a position is on a part-time basis, that is, where the week's work is less than an ordinary work week, or where the day's work totaled weekly on a continuing basis consists of less than the ordinary work week total, or where the day's work on a continuing basis consists of less than the ordinary number of working hours of an ordinary working day, such service shall be compensated on the basis of the equivalent hourly rate for full-time employment.
2. Minimum and maximum salaries: under each salary schedule there are set forth a minimum and a maximum salary rate. Except as otherwise provided in these rules, appointment to

any position shall be offered at the minimum rate. Any appointment may also include negotiation based on experience and education and the approval of the City Administrator. Advancement may be accomplished based on meritorious service and efficiency evidenced through annual performance appraisals or increased certifications.

3. Part-time and temporary employment: Part-time or temporary employees shall be compensated based on the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they work.

Section 6-9 Salary Advancements

Merit salary advances may be made to employees who have not reached the maximum in the salary range only in accordance with the following rules. Merit increases must be substantiated by "successful" or better performance as documented through the performance appraisal process.

Merit increases may be given as approved by the City Administrator and/or department heads within the budget approved by the Board of Aldermen.

Department heads may establish, subject to the approval of the City Administrator, career development plans for positions within their departments. The purpose of the establishment of these plans shall be to provide career paths for employees to reward experience and reduce turnover. Any approved career development plan must be turned in to the human resources department for proper filing.

Section 6-10 Pay Rate Adjustments

The following personnel actions may affect the pay status of an employee in the manner provided:

1. Transfer: when an employee is transferred between departments and divisions of the City government or between classes with the same maximum salary rate, the salary rate of the employee will remain unchanged unless the current rate is below the minimum pay rate established for the class to which the employee is transferring.
2. Promotion: when an employee is promoted from a position in one class to a position in another class having a higher maximum salary, the salary rate of the promoted employee may be increased to the higher new minimum salary.
3. Demotion-Involuntary: when an employee is involuntarily demoted from a position in one class to a position in a class having a lower maximum salary rate, the salary rate of the employee shall be reduced to within the pay range established for the class to which the employee is demoted, and the employee shall not be eligible for promotion or a merit salary increase for a period of one (1) year from the date of demotion.
4. Voluntary Reduction: when an employee is voluntarily reduced from a position in one class to a position in a class having a lower pay range, the rate of pay for the employee shall be reduced if necessary to place it within the pay range assigned to the lower class. The employee shall not be eligible for promotion or a merit salary increase, if not at the top of the range, for a period of six (6) months from the effective date of reduction.
5. Reclassification: when a position is reclassified to a class having a lower maximum salary rate than an employee's current position, and this action is for the benefit of the City and the incumbent, and is not a demotion, the employee shall retain the same rate of pay in

the new position as the employee had in the previous position. This action shall not affect the employment anniversary date. When a position is reclassified to a class having a higher maximum salary rate than an employee's current position, the employee's salary may be increased at least to the minimum of the new range or if already at or above the minimum, may be raised further.

Section 6-11 Temporary Assignment to Higher Level Position

Employees who are promoted temporarily, for a period of five (5) consecutive days or longer to perform all the duties of a supervisory position in a class with a higher maximum salary than said employee's current salary shall have their salaries temporarily increased to the minimum salary range of the supervisory position for the time said employee performed the supervisory duties.

Section 6-12 Overtime and Compensatory Time

Supervisors shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on work hours in excess of forty (40) hours in a 168-hour period during seven (7) consecutive 24-hour periods (standard work week). A standard work week shall commence at 12:00 a.m. Sunday morning and continue until 11:59 p.m. the following Saturday. Hours worked in excess of a standard work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1½) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1½) times the overtime hours worked at the discretion of the City Administrator. Hours worked shall only include hours actually worked on the City's behalf. [For clarity, hours worked is as defined in the FLSA and does not include vacation, personal, military leave, emergency leave, jury leave, disability leave and sick leave hours.]

Compensatory time shall be allowed for nonexempt employees only with approval from their supervisor prior to the hours being worked. If approved by a supervisor, the employee must take compensatory time in the same pay period in which it was accrued. For exempt employees, overtime is considered part of their job responsibility and does not justify overtime pay or compensatory time. Notwithstanding the foregoing, compensatory time off may be granted to exempt employees for overtime work under exceptional circumstances as the City Administrator may authorize.

Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare, that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

Notwithstanding the above, Law Enforcement personnel, under the provisions of the 207(k) exemptions of the Fair Labor Standards act (FLSA), shall be paid overtime for hours worked in excess of 80 hours during a 14-day work period, which for purposes hereof, will be the same as the pay period.

In the instances of Traffic Enforcement Overtime, Police officers will be paid at the rate of two times their rate while working on the Traffic Enforcement Project approved by the Board of Aldermen prior, regardless of hours worked during the pay period.

Section 6-13 Call-Back 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 two (2) 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.

ARTICLE 7 PERFORMANCE APPRAISAL

Section 7-1 Responsibilities

The City Administrator, in conjunction with the human resources department, shall develop and maintain an employee appraisal system for the purposes of evaluating individual work performance, identifying training needs and employee development opportunities, and for improving the efficiency and productivity of the City workforce. The human resources department shall develop and cause to be maintained formal procedures to (1) ensure timely completion of employee performance appraisal forms, (2) periodically review the evaluations of employees within department and work units to ensure the equitable administration of the system, and (3) make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.

No later than ten (10) calendar days before an evaluation is due, the department head shall notify the person responsible for the evaluation.

Each department head or supervisor who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

No public disclosure of an employee's performance appraisal record shall be made except as set required by law or without the permission of the employee and the City Administrator. Such record shall be made available upon request to the employee; to an appointing authority when needed in connection with a potential action for promotion, transfer, demotion, or dismissal of the employee; or other appropriate officer when needed in connection with an adverse action, grievance, or other relevant matter requiring such information; and to official investigatory agencies after a determination by the City Administrator that such disclosure is in the public interest.

Section 7-2 Employee Performance Appraisals

Prior to the expiration of an employee's introductory or qualifying period, completed performance appraisal forms must be submitted to Human Resources. Original appointees must obtain an appraisal of successful or better to complete the period. Failure to obtain an evaluation of acceptable or better shall result in dismissal or extension of the introductory period as provided in Article 6.

Failure of a promotional appointee (current employee given a promotion as set forth herein) to obtain an evaluation of acceptable or better shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment provided a vacancy exists.

Full-time and part-time employees shall be evaluated at least annually by the end of the calendar year or such other time as deemed appropriate by the City Administrator. An

evaluation of "successful" or better is required to qualify employees for a pay increase within the range of their classification. Employees receiving an evaluation of "needs improvement" must be placed on a performance improvement plan. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.

ARTICLE 8 WORK SCHEDULES AND ATTENDANCE

Section 8-1 Regular Working Hours; Exceptions

Regular working hours for all full-time employees shall be forty (40) hours in any five (5) consecutive eight (8) hour days, except as noted below, provided approved prior to implementation by the City Administrator.

Department Heads shall arrange work schedules to meet the needs of the City service and may allow variable or flexible work schedules, providing that all work schedules for full-time employees shall not be less than eighty (80) hours in each bi-weekly pay period.

Section 8-2 Work Schedules Determined by Department Head

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

Section 8-3 Required Attendance

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

Section 8-4 Closure of Buildings

The City Administrator, Mayor, or their designee shall be the only person authorized to release non-essential persons due to closure of a building. Employees shall be compensated their regularly scheduled pay for the day of closure if the closure is determined prior to their scheduled start time and if the employee does not have pre-approved leave time scheduled. Employees shall be compensated for the remainder of their days' pay if the closure is made after the start of their scheduled start time and the employee reported to work.

Section 8-5 Telecommuting Work Schedule

Eligible employees may qualify for telecommuting. Eligibility and terms for telecommuting are outlined in Section 20-8.

ARTICLE 9 PAID HOLIDAYS

All full-time and part-time employees (see below), shall receive compensation for the following holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans' Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Day
- ~~10.11.~~ Monday following the Celebration of Founders Day
- ~~11.12.~~ Two floating holidays

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be compensated in money for time worked on the holiday.

All full-time employees shall receive pay for 8 hours on any holiday. All part-time employees shall receive pay for 4 hours on any holiday. Any hours actually worked on the holiday will count in addition to the hours granted for the holiday.

The Mayor shall be the only person authorized to declare special holidays or days off as an unusual need or circumstance may occur.

Any employee absent without authorized leave on the day preceding and/or following a holiday shall not receive regular compensation for the holiday. Employees may not work additional hours prior to or following a holiday to prevent use of leave time on regularly scheduled work days immediately preceding and/or following a holiday.

Given the nature of the Public Works, Utilities and the Police Department, the department heads and the Chief of Police or their designee shall be responsible for scheduling employees to work holidays.

Employees shall be granted two (2) floating holidays. Employees with a beginning date of employment after June 30, will only receive one (1) floating holiday for that calendar year. Floating holidays must be used within the same calendar year as they are accrued and cannot be carried over to the next calendar year. They must be taken in their entirety and may not be used in increments. To take a Floating Holiday, employees must give their supervisor a

minimum of seventy-two (72) hour notice. Employees will not be paid for any unused Floating Holidays upon separation of employment, and they may not be taken once a separation date has been announced.

ARTICLE 10 VACATION LEAVE

Section 10-1 Amount

Every full-time employee in the City holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly as follows:

1. until their fifth (5th) anniversary date of continual service, full-time employees will accrue 104 hours annually, distributed evenly over 26 pay periods; and
2. After their fifth (5th) anniversary date of continual service, until their tenth (10th) anniversary date of continual service full-time employees will accrue 136 hours annually, distributed evenly over 26 pay periods; and
3. After their tenth (10th) anniversary date of continual service, until their fifteenth (15th) anniversary date of continual service, full-time employees will accrue 168 hours annually, distributed evenly over 26 pay periods; and
4. After their fifteenth (15th) anniversary date of continual service, full time employees will accrue 200 hours annually, distributed evenly over 26 pay periods.

Every part-time employee in the City classified service holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly at a rate half that of a full-time employee.

Vacation time may be taken at any time following its accumulation, except during an introductory period.

Section 10-2 Accrual

Vacation leave credit may be carried from one year to the next. Provided however, that the maximum amount of vacation time which may be accumulated shall be an amount equal to one and one-half (1½) times the amount of vacation time which can be earned in any one (1) year.

Vacation leave shall not accrue while the employee is absent from work without pay or is receiving benefits from a retirement system, long-term disability insurance, or Workers' Compensation.

If an employee leaves City service and is re-employed any time after a period of ninety (90) days, vacation is considered as for any new employee. Otherwise, the employee may accrue vacation commensurate with total years of service.

Section 10-3 Payment Upon Separation

Any full-time Employee leaving the municipal service who has given the required notice and who is not terminated for cause, shall be compensated for credited and unused and accrued vacation leave as set forth in Section 10-2 above, to the date of his or her separation, provided he has been in the City service for at least one (1) year.

Section 10-4 Holidays Occurring During Vacation Period

Any official holiday as set forth in Article 9 which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

Section 10-5 Use of Vacation Leave

Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and (except as set forth in Section 12-6) within the discretion of the department head, be charged against vacation leave allowance.

Section 10-6 Vacation Schedules

Each department head shall schedule vacation leave with regard to the seniority of employees, in accordance with operating requirements and, insofar as possible, with the requests of the employees. Vacations shall be scheduled by each department head to minimize overtime costs and departmental disruptions while allowing as much flexibility to the employees as possible.

Vacation shall, under normal circumstances, be taken in continuous increments of at least four (4) hours.

Section 10-7 When Taken

Introductory employees are not eligible for vacation leave pay, although vacation leave accrues from the first month of employment. Full-time employees are eligible to receive vacation leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

Section 10-8 No Hours

If an employee does not have any accrued vacation or sick hours, that employee may take unpaid time off with the approval of the department head. That employee should request a "No hours" status in the payroll system.

Section 10-9 Mandatory Vacation

To maximize work integrity and personal well-being, one (1) workweek of continuous vacation must be used annually after two (2) years of employment. ~~Non-scheduled workdays are excluded from the workweek.~~ A workweek is defined as 40 ~~regularly scheduled~~ hours for full time employees and may include holiday time. ~~Regularly scheduled hours for a workweek for part-time shall be their normal scheduled hours.~~

Any employee may appeal the requirement of vacation time taken to the City Administrator for reconsideration in accordance with this policy. The City Administrator shall either consider the request or assign a designee to consider the request within 10 business days. Appeals shall be in

writing and provided to the City Administrator. Consideration shall be given to unusual or uncontrollable circumstances, or the inability of the department to approve an employee's vacation request for the minimum use requirement.

Section 10-10 Vacation Buyback

Employees may request to receive payment for a portion of their unused vacation leave. Vacation leave that is bought back cannot substitute for an employee's mandatory vacation requirement. Employees will have an opportunity to request pay out of up to 40 hours of vacation time accrued on an annual basis. In order to request payment for unused vacation leave, the employee must maintain a minimum balance of 40 hours. Buyback will occur at the end of the calendar year. Written request must be submitted to the City Administrator 30 days prior to the end of the calendar year.

Payment for the requested and approved vacation buyback will be distributed with the first paycheck of the calendar year through a separate direct deposit. The payout will be subject to all federal, state, and statutory deductions. This payment will be included as taxable wages, and reported on your W-2 form.

If an employee requests and is granted the vacation buyback, eligibility to receive donated sick time from the Shared Leave Pool (Section 11-5) is forfeited for the following calendar year.

ARTICLE 11 SICK LEAVE

Section 11-1 Amount

All full-time City employees shall earn sick leave with full pay at the rate of four (4) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

All part-time City employees classified service holding a permanent status shall earn sick leave with full pay at the rate of two (2) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

Sick leave may never be taken in advance of accrual.

An employee may be eligible for sick leave for the following reasons:

1. personal illness or physical incapacity;
2. quarantine of an employee by a physician;
3. illness in the immediate family requiring the employee to remain at home; or
4. to keep a doctor's appointment.

An employee who is unable to report for work because of the above reasons shall report the reason for his absence to the supervisor within one (1) hours from the time he or she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician, certifying that the employee's condition prevented the employee from appearing for work.

At the department head's request, an employee will be required to present documentation to justify any sick leave taken, regardless of the amount of days used.

An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.

Abuse of sick leave privilege can result in dismissal.

As required by the 1978 amendments to Title VII of the Civil Rights Act of 1964, pregnancy and pregnancy-related conditions shall be treated the same as any other illness or short-term disability.

Any change in an employee's physical condition such as an injury, illness, pregnancy or other condition that may possibly affect the ability of such employee to safely carry out his/her duties as an employee of the City of Smithville, such employee will be responsible in notifying his/her supervisor of such injury, illness, pregnancy or condition.

Family and medical leave shall be granted pursuant to provisions of the Family and Medical Leave Act of 1993 (FMLA) (See Section 13-6).

Section 11-2 When Taken

Sick leave with pay will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment. Exceptions to this provision may be granted by the department head with the approval of the City Administrator if the employee has no accumulated comp time or vacation time.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Introductory employees are not eligible for sick leave pay, although sick leave accrues from the first month of employment. Full-time employees are eligible to receive sick leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall report this fact to the immediate supervisor. Departments may require specific time frames for notice for work-related purposes. Sick leave may not be granted unless reported to the appropriate supervisor during the specified time frame.

An employee must keep the department head informed of the condition for the absence. The department head may require the employee to submit for any absence the treating physician's written notice of medical reason for the absence from work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

Transfer of vacation time to sick time shall only be allowed, pending management approval, for illness incurred while on vacation that resulted in a hospitalization.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

Section 11-3 Accrual

Full-time employees may accumulate sick leave with pay to a maximum of 1,000 hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long-term disability insurance, or a retirement program sponsored by the City.

Section 11-4 Return to Work/Fitness for Duty Medical Examinations

Medical examinations when required by the City shall be conducted at the City's expense by a physician designated by the City. The City shall pay for the cost of the examination only. Any

referral or additional charge outside the examination is the employee's responsibility. The City may require a medical examination of an employee before a return to work after an illness or injury or a fitness for duty examination, if the requirement for the examination is job-related, consistent with business necessity, and if the City has a reasonable belief that:

1. the employee's ability to perform essential job functions may be impaired by a medical condition; or
2. an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.

The City strives to assist employees to return to work at the earliest possible date following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

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.

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.
- 5) Employees may not donate to the pool after having been terminated, resigned or have given notice of his/her retirement.
- 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 time to be made available to the respective pool the following pay period.

D. Eligibility to Make Withdrawals from Shared Leave Pool

The employee or immediate family member must have experienced an illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. The illness or injury does not have to be job related. The employee must have exhausted all of his or her accrued leave time (sick, vacation and compensatory leave) before being eligible to withdraw from the pool. The employee must have exhausted all workers' compensation indemnity payments (if applicable) before being eligible to withdraw from the employee pool. The employee cannot receive Shared Leave benefits while eligible to receive long term disability benefits. The employee is not required to have previously contributed to the pool before he or she can withdraw leave. The maximum amount of shared leave an employee may receive is four hundred eighty (480) hours.

E. Process

Employees (or a designated representative) may request leave from the pool by submitting a Shared Leave Request Form to their respective department supervisor. A doctor's statement describing the illness or injury must accompany the request and must include the diagnosis of the illness or injury, and a prognosis. A medical certification stating why the employee's absence is required for the personal attention and care of an immediate family member must also accompany the request.

Department Responsibilities

- 1) Securing adequate medical documentation from the employee, which justifies whether the illness is life threatening, catastrophic, or resulting in a permanent disability.
- 2) Work with Human Resources to ensure that the employee has exhausted all accrued leave time, and (if applicable) workers' compensation indemnity payments.
- 3) Forwarding each Shared Leave request form and supporting documentation to Human Resources. After review for eligibility, Human Resources will send to the Share Leave Committee.
- 4) Notifying the employee of approval or disapproval to receive shared Leave. Notifying the Payroll/HR Department immediately upon becoming aware when a leave recipient's medical emergency terminates.

Shared Leave Committee Responsibilities

- 1) Reviewing Shared Leave request on an as needed basis and ensuring employees meet the eligibility requirements for receiving benefits.
- 2) Reviewing and recommending approval or disapproval of requests based on eligibility requirements for receiving benefits, to the City Administrator.
- 3) Monitoring the Shared Leave pool balances and determining the amount of leave eligible employees will receive.
- 4) Recommending policy changes to the City Administrator.
- 5) Keeping the City Administrator informed of Shared Leave activities.

City Administrator Responsibilities

- 1) Reviewing Shared Leave requests.
- 2) Approving or disapproving recommendation based on submitted application and such other data relevant to the request.
- 3) Forwarding Shared Leave approval and documentation to Human Resources.
- 4) Advising Shared Leave Committee and Department Head of rejected request.

Human Resources Representative Responsibilities

- 1) Maintaining records, along with Human Resources.
- 2) Verifying the employee has exhausted all allowable leave time and (if applicable) worker's compensation indemnity payments.
- 3) Keeping records of pool balances and providing this and other pertinent data to the Shared Leave Committee.

Awarding of Shared Leave Benefits

In those cases where the employee is eligible to receive benefits, the payment of benefits will be handled as follows:

The amount of Shared Leave the employee is eligible to receive will be based on the doctor's statement, which contains the medical diagnosis and prognosis. The maximum amount of Shared Leave an employee may receive four hundred eighty (480) hours per qualifying illness or injury. The amount of Shared Leave an employee is eligible to receive for care of an immediate family is not to exceed four hundred eighty (480) hours per qualifying family illness or injury. Additional medical documentation must be submitted to the Shared Leave Committee for review each month for continued eligibility.

The amount to be granted, however, will be determined on a month-by-month basis and is dependent upon the pool balances and number of eligible recipients. Each recipient will receive a proportionate share of Shared Leave each month, provided it does not exceed the amount they are eligible to receive.

If the pool balance cannot accommodate the amount the employee is eligible to receive, a pool drive will be initiated. The employee will continue to receive additional leave each succeeding month (to the extent of the then existing pool balance) until they reach the amount they are eligible for, (providing they are still experiencing the qualifying illness or injury).

The Shared Leave Committee has the right to require an updated medical statement/records from the employee on an as needed basis. However, additional medical documentation must be submitted to Human Resources for review each month for the continued eligibility of Shared Leave.

Any amount of Shared Leave granted for the month but not needed will be returned to the respective pool.

Employees may accrue vacation and sick leave credits while using donated leave, but must exhaust those accrued hours before using additional donated leave.

An employee who uses Shared Leave from the pool is not required to pay back any Shared Leave received.

F. Shared Leave Committee Membership and Terms

The City Administrator shall accept applications and appoint four (4) fulltime, City of Smithville employees as the "Shared Leave Committee". At least one member must be a representative of Human Resources. Members shall serve two (2) year terms. Terms shall be calendar years expiring on December 31st. Two (2) members' terms shall expire each year.

~~Section 11-6 Evaluation for and/or Absence from Work Sick Days Related to COVID-19~~

~~Effective Dates: 10-22-21 until otherwise terminated by the Board of Aldermen~~

~~Employees should Remember, there are resources available to the Employee through the City Human Resources (HR) department.~~

~~A. Risk Analysis for COVID-19 Absences from Work or Eligibility to Report to Work~~

~~Employees need to immediately contact their supervisor if they experience any of the following:~~

- ~~• The employee or someone in their household is experiencing COVID-19 symptoms.~~
- ~~• They or someone in their household has undergone symptomatic testing for COVID-19.~~
- ~~• The employee thinks they have been exposed to someone with COVID-19.~~
- ~~• They have been in close contact with someone who has undergone symptomatic tested or has tested positive.~~
- ~~• They see indications that lead them to reasonably believe a coworker is showing symptoms of COVID-19.~~

~~Employee's failure to contact her/his supervisor is considered a violation of this policy. Any violation may lead to disciplinary action up to and including termination.~~

~~Employees must also report to their supervisor immediately if they believe that they have been exposed to a member of the public with COVID-19 while carrying out required and unavoidable job duties. This will be documented at the time of occurrence with employee's supervisor and the Assistant City Administrator.~~

~~Supervisors are responsible for contacting the Assistant City Administrator for a risk analysis. Supervisors can call the Assistant City Administrator or the City Administrator to evaluate the circumstances based on the most recent guidance available.~~

~~Employees may be requested to take (if there is a charge -- at the City's expense) a city reasonably approved COVID-19 test. Employees will be given time from work for any such testing. The employee will be responsible for providing documentation of the results of the test to the City Administrator and the Assistant City Administrator.~~

~~*To assist Clay County Public Health with timely and efficient contact tracing efforts, The City will provide said Health Department with limited contact information should the employee be identified as a close and direct contact of a positive COVID-19 case and/or tests positive. If the employee chooses to opt out of this notification process, the employee must notify the City Administrator. Opting out of this does not allow the employee to opt out of mandated quarantine nor does it allow the employee to opt out in the instance that the City of Smithville requires the employee to stay home to minimize the potential spread of COVID-19.*~~

~~B. Types of Absence from Work Related to COVID-19~~

~~Qualifying absences are when an employee:~~

- ~~1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (stay at home order is not considered quarantine).~~
- ~~2. Has been advised by a health care provider to self-quarantine related to COVID-19.~~
- ~~3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis -- This may qualify as FMLA leave.~~
- ~~4. Is caring for an individual who is subject to an order described in (1) or is in self-quarantine as described in (2 above).~~
- ~~5. Is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.~~
- ~~6. Is experiencing symptoms and/or side effects within 72 hours after receiving a vaccine, or is experiencing any other substantially similar condition like a potential COVID-19 exposure
 - ~~• If an employee needs to be absent from work to receive the COVID-19 vaccine, employees may request reasonable paid time away from work to procure the vaccine (see Section D). It is requested that an employee schedule their vaccine either at the beginning of shift or end of shift to help with staffing.~~
 - ~~• If an employee experiences side effects from the vaccine and needs to miss work, the employee should contact the City Administrator and will be paid for reasonable time off after the City Administrator and the Assistant City Administrator have completed~~~~

~~their risk assessment (see Section IV). If an employee calls in sick, supervisors will still need to contact the City Administrator or the Assistant City Administrator.~~

- ~~7. For full-time and part-time regular employees only: Are unable to work due to the City closing their work area and they are unable to work remotely or unable to gain a temporary assignment from their department or via risk management.~~

~~The Department of Labor encourages employers and employees to collaborate to achieve flexibility and meet mutual needs. Please consider this when requesting a leave of absence.~~

~~To continue to operate, there are essential positions that must be filled. Due to the nature of City work, some employees may be required to report to work even if they request to be absent. Supervisors will communicate with affected employees on a case-by-case basis as needed.~~

~~C. Call-in Procedures for Absence from Work~~

~~For every absence from work:~~

- ~~• Employees should continue to use their regular division/department/City rules for calling in any absence from work.~~
- ~~• Supervisors should call the City Administrator and the Assistant City Administrator for assessment of any COVID-19 related issues.~~

~~D. Pay Options During Absence from Work~~

~~(COVID-19) Sick Pay – For Qualified Employees Only~~ ~~(COVID-19) Sick Pay for Qualified Employees.~~

~~As used herein the Term “Qualified Employees” shall mean, (1) those Employees who have been vaccinated; or (2) those Employees who have begun the COVID-19 vaccination process by receiving at least one vaccine dose; or (3) those Employees who have previously been granted a Reasonable Accommodation (under 11-6, Section V below).~~

~~Effective 10-22-21 until terminated by the Board of Aldermen. HR maintains a file of submitted vaccination cards. All cards shall be submitted to the City Administrator or the Assistant City Administrator.~~

~~Effective 10-22-21, until otherwise terminated by the Board of Aldermen. the City will grant COVID-19 Sick leave for COVID-19 related issues to Qualified Employees as follows:~~

- ~~• Full-time and part-time Qualified Employees. The reason must fall into one of the reasons listed in 11-6 Section II above.~~
- ~~• All Full-time and part-time regular employees for whom City Administrator or the Assistant City Administrator authorizes sick COVID-19 Sick Pay due to a specific set of circumstances when quarantine or isolation occurs due to unavoidable documentable contact with the public in the performance of required job duties.~~

- ~~Beginning 10-22-21 until further order of the Board of Aldermen, all use of the COVID-19 Sick Pay going forward will require the approval of City Administrator or the Assistant City Administrator. Employees must request such COVID-19 sick pay and provide any reasonably requested documentation to support the reason and submit a written request and supporting documentation to the City Administrator or the Assistant City Administrator.~~
- ~~If verified by the City Administrator or the Assistant City Administrator that the employee is a Qualified Employee, said employee may apply for COVID-19 sick pay for up to a maximum total of fourteen (14) business days as reasonably necessary for absences necessitated under Section II above or approved by the City Administrator or the Assistant City Administrator. This COVID-19 sick pay is in addition to such full-time Employee's personal accumulated sick leave. If the reason for the absence under Section B is greater than fourteen (14) business days, the full-time Qualified Employee may apply for and request shared leave pursuant to the terms and conditions of 11-5 of the Employee Handbook. Nothing herein shall be deemed to entitle such employee to any shared leave.~~
- ~~Nothing herein should be construed as granting part-time employees any sick leave other than as herein set forth. Part-Time Qualifying Employees will be paid up to the maximum of fourteen (14) Business Days the average wages said employee would have otherwise reasonably earned but for absences necessitated under Section II above or approved by the City Administrator or the Assistant City Administrator. Part-Time Qualifying Employees shall remain ineligible to apply for or receive any shared leave under 11-5 of the Employee Handbook for any absence necessitated under Section II above as well as any other sick leave from the City.~~

E. Reasonable Accommodations

~~If an employee has an ADA qualifying disability or a sincerely held religious belief that prevents the employee from participating in the COVID-19 Vaccination program, the employee should request an accommodation, using the following process:~~

- ~~1. Make a request to the employee's Supervisor who will then contact Human Resources and the City Administrator for evaluation.~~
- ~~2. Employee will provide any documentation reasonably requested by the City concerning the requested accommodation.~~
- ~~3. Human Resources or the City Administrator will contact the employee and the Supervisor with the results of the evaluation.~~
- ~~4. Paperwork and documentation may be required for COVID-19 related accommodations.~~

~~F. COVID-19 sick pay is not available, and the employee will be required to use personal paid time off if:~~

- ~~The employee is NOT VACCINATED; and/or,~~
- ~~The employee has not begun the vaccination procedure by receiving at least one dose of vaccine; and/or,~~
- ~~The employee has not received a Reasonable accommodation pursuant to Section V; and/or,~~
- ~~School (or childcare provider) is open, and a choice is made by the parent/guardian to keep the child home; and/or~~

- ~~• School (or childcare provider) is closed for reasons other than COVID-19 related matters; and/or~~
- ~~• The absence does not fall into any of the categories from Section 11 above and the employee chooses to stay home if work is available.~~

~~If the employee is not eligible for COVID-19 sick pay as set out in 11-6 Section D above, the employee will have to use their own benefit time. Paid time off policies can be found under the balance of the Employee Handbook. Additionally, Section 11-5 of the Employee Handbook notwithstanding, an employee who is not a "Qualified Employee" as defined above shall be ineligible to apply for or receive any Shared Leave (pursuant to Section 11-5 of the Employee Handbook) for any absence which would otherwise have entitled said employee to be eligible to receive COVID-19 Sick pay under 11-6 Section D.~~

~~The City will continue to monitor the situation. This policy is subject to change on short notice.~~

ARTICLE 12 SPECIAL LEAVE

Section 12-1 Approval Authority

Department heads may approve requests for special leave as defined hereinafter in accordance with procedures established by the City Administrator.

Section 12-2 Court Leave

Full-time employees subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall be granted paid leave during their absence, provided, however, that all payments provided by a court for jury service shall be turned over to the employee's department head and transmitted to the City Treasurer for deposit as miscellaneous revenue. Essential personnel such as law enforcement employees and department heads may be required to request to be excused from jury duty by the court. Introductory employees are not eligible to receive paid court leave.

Section 12-3 Military Leave

This policy is intended to comply with the Uniformed Services Employment and Reemployment Rights Acts, Title 38 U.S.C., Sections 4301-4333, currently in effect and as amended and to the extent any provision hereof is inconsistent with such statute, this policy is deemed to be amended to comply with said law.

A. Eligibility

Employees who have been in City service for at least one (1) year immediately preceding leaving the service of the City directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or employees subject to compulsory service who voluntarily enlist, shall be granted a military leave of absence without pay to extend to three (3) months beyond the date of termination of active uniform service. The term "uniform service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, as well as all auxiliary branches of said services in which either men or women shall be called on to serve, but shall not include services as civilian

employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government.

An employee meeting the eligibility requirements shall have the employee's base military pay supplemented by the City to an amount not to exceed the employee's regular City pay for a period of up to six (6) months while in emergency active duty. The remainder of military leave shall be without pay.

B. Disposition of Vacation and Sick Leave

An employee who leaves the City service directly for such military leave may elect to be paid for any accrued vacation as the employee may be entitled to if separating from the City service. The decision shall be noted on the personnel action form effecting the leave. If the employee elects not to be paid for vacation leave, accrued vacation credits shall be reinstated upon return of the employee. Accrued sick leave shall be reinstated upon return of the employee in either case.

C. Restoration

An employee returning from military leave shall be entitled to restoration to the former position held prior to the leave provided the employee makes application within three (3) months after release from duty and has been honorably discharged and is physically and mentally capable of performing the essential duties of the position involved. If the position vacated no longer exists at the time the employee qualifies for return to work, such person shall be entitled to be reemployed in another existing position of the same class.

D. Salary

An employee returning from military leave may be re-employed at the same salary range attained when granted a military leave. The employee may be eligible for a merit increase upon completion of one (1) year of service which shall include time between the last merit increase and the date military leave was granted.

Section 12-4 Military Training Leave of Absence

All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are employed with or without pay under the orders or authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed a total of fifteen (15) calendar days on the basis of an 8-hour workday in any one (1) federal fiscal year (Oct. 1 - Sept. 30). Employees exceeding the limit of one and a half times their normal bi-weekly scheduled hours in any one (1) federal fiscal year (Oct. 1 - Sept. 30) may elect to use accrued vacation leave or take unpaid leave. At the time the employee's accrued vacation leave becomes exhausted, employees may substitute accrued sick leave in place of accrued vacation time. Employees requesting this leave of absence, with or without pay, shall provide documentation of

the orders or authorization of competent authority for the time period for which military leave will be taken.

All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their supervisors in accordance with departmental rules and regulations.

Section 12-5 Maternity Leave

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this article.

Section 12-6 Family and Medical Leave

It is the policy of the City to provide Family and Medical Leave (FML) in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and subsequent amendments. This policy outlines the information provided in "Employee Rights and Responsibilities Under the Family and Medical Leave Act", a compliance poster issued by the Wage and Hour Division of the U.S. Department of Labor (Revised January 2009).

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for the following reasons:

1. for incapacity due to pregnancy, prenatal medical care or child birth;
2. to care for the employee's child after birth, or placement for adoption or foster care;
3. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health

care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Employees on approved family or medical leave are allowed: 1) to continue group health and other insurance, if any, during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions. The employee is required to continue to pay his/her contribution to dependent or family coverage or other elective benefit costs. If on paid leave, premiums will be deducted from pay as usual. If some or all of the leave will be without pay, information on how and when to make premium payments will be provided to the employee.

Employees must attempt to schedule family and medical leave so as not to disrupt City operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health-care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is a medical need for a reduced schedule.

Employees are required to substitute accrued vacation and/or sick (run concurrently) leave for any part of the twelve (12) week period to which they are entitled under the family and medical leave provisions. Vacation and sick leave benefits will accrue during an FMLA leave while the employee is on paid status. Vacation and sick leave benefits will not accrue during an FMLA leave while the employee is on un-paid status.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees returning from medical leave shall provide a certification from a health-care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the City paid for the employee to keep group insurance in effect during the leave.

Section 12-7 Occupational Injury Leave

Any employee who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the immediate supervisor. The employee and the immediate supervisor shall prepare required reports of such injuries and submit same to the department head and personnel & safety officer within twenty-four (24) hours of the accident or the next business day after notification by the injured employee.

Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages. Payment for lost time commences after three regularly scheduled full days off from work. The first three (3) full work days off are covered by the City, but if the employee is unable to return due to injury for more than fourteen (14) calendar days, whether consecutive or nonconsecutive, after the date of injury, the City Workers' Compensation program then covers partial loss of wages for the first three (3) days. No adjustments to any leave balances nor recoupment of this money will be undertaken by the City.

Supervisors shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

Section 12-8 Absence Without Leave

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the City. In addition, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the City subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

Section 12-9 Bereavement Leave

All full-time exempt and non-exempt employees (excludes temporary and part-time employees) are eligible for bereavement leave of up to 24 hours in the event of the death of an immediate family member. Bereavement leave with pay is allowed for family care and bereavement, which includes making arrangements required by the death of a member of the employee's immediate

family and attending the funeral of a member of the employee's immediate family. Immediate family is defined as below:

1. Spouse (including domestic partner)
2. Parents (including step-, in-laws and parents of domestic partner)
3. Siblings (including half- and step-)
4. Children (including step- and foster)
5. In-Laws (to include daughter/son and brother/sister)
6. Grandparents (including step-)
7. Grandchildren (including step-)

Section 12-10 Education Leave

Full-time employees may be granted absence from duty on a non-pay status for education instruction when recommended by a department head and approved by the City Administrator if the successful completion of such instruction will contribute to the City service.

Section 12-11 Special Assignment Leave

Full-time employees may be granted absence from duty on a non-pay status for special assignment with another agency or government with return to the City completed in a definite amount of time when recommended by a department head and approved by the City Administrator.

Section 12-12 Paid Administrative Leave

Employees under an employer-initiated investigation may be placed on paid administrative leave through the completion of the investigation. All employer-initiated investigations will be handled by Human Resources in conjunction with the City attorney and any other necessary entities.

Paid administrative leave may be used in extraordinary circumstances upon approval of the City Administrator and Mayor.

ARTICLE 13 OTHER FRINGE BENEFITS

Section 13-1 Life Insurance Coverage

Full-time employees will be enrolled, without cost, in the basic group life insurance coverage program, if any, approved by the Board of Aldermen. The basic life insurance coverage is as approved by the Board of Aldermen. Current tax laws make any benefits above a certain amount taxable income to the employee. Optional life insurance at lower set coverages may be available for dependents.

Section 13-2 Health Insurance Coverage

Full-time employees will be offered, at a cost, a health insurance coverage program, if any, approved by the Board of Aldermen. The health insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored health insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Health insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored health insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect health insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's health insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

Section 13-3 Vision Insurance Coverage

Full-time employees will be offered, at a cost, a vision insurance coverage program, if any, approved by the Board of Aldermen. The vision insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored vision insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Vision insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored vision insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect vision insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's vision insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

Section 13-4 Dental Insurance Coverage

Full-time employees will be offered, at a cost, a dental insurance coverage program, if any, approved by the Board of Aldermen. The dental insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored dental insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Dental insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored dental insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect dental insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's dental insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

Section 13-5 Voluntary Insurance Coverage

Voluntary insurance programs for all employees may be offered, at a cost, if any, approved by the Board of Aldermen. The voluntary insurance coverage is as approved by the Board of Aldermen. Voluntary insurance programs include, but are not limited to, accident policies, cancer policies, dependent care coverage, flexible spending accounts, additional life insurance and short-term disability. Enrollment in the voluntary insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Section 13-6 Retirement Plans

Full-time employees working the required minimum number of hours or more per year will be enrolled as participating members of the appropriate local government retirement plan (LAGERS) and contributions to the plan will begin after six (6) months of employment. Contribution levels are based on a percentage of the employee's salary as appropriated by the Board of Aldermen. The plan is subject to the rules of the appropriate local government retirement plan. For any full-time employee that has fulfilled their six (6) month waiting period with a previous LAGERS employer and has not forfeited that service through a refund or lump sum, contributions will begin immediately upon hire.

Section 13-7 Long-Term Disability Insurance

As provided under LAGERS retirement plan, full-time employees may be eligible for Long Term Disability Insurance.

Section 13-8 Employee Assistance Program

Full-time Employees are eligible to utilize services provided by the Employee Assistance Program (EAP) as part of the group health plan as approved by the Board of Aldermen. The services are outlined in the EAP brochure available in Human Resources.

ARTICLE 14 SEPARATION AND DISCIPLINARY ACTIONS

Section 14-1 Resignations

Any employee who is in good standing may resign from the service of the City by presenting their resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act (FLSA) must present such notice of resignation not less than two (2) weeks prior to their effective date. Employees holding positions which are exempt, other than department heads and the City Officials as set forth in Chapter 105 of the Smithville Code, from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to their effective date. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the City Administrator and department head, or if the resignation is that of a department head or a City Official as set forth in Chapter 105 of the Smithville Code, then with the approval of the Board of Aldermen. Department heads and the City Officials as set forth in Chapter 105 of the Smithville Code must present notice of resignation no less than four (4) weeks prior to the effective date.

Any employee who fails to provide notice as set out in the paragraph above shall be deemed to have relinquished all accrued vacation time and compensatory time and shall no longer be eligible for any benefits related to payment for hours not worked including holiday pay.

Section 14-2 Termination

An employee may be terminated at will with or without cause.

Upon leaving the City service, each employee will be invited to attend an exit interview with his supervisor to receive feedback about employment in the City service.

Section 14-3 Reduction in Force; Layoffs

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. However, no full-time employee shall be separated from any department while there are introductory, part-time, or temporary employees serving in the same department. An appointing authority may, with the approval of the City Administrator, appoint an employee who is to be laid off to any existing vacancy in a lower class for which the employee is qualified. All other factors being equal, employees shall be laid off in reverse order of their total service with the City. The City will provide two (2) weeks' notice or equivalent compensation to persons being laid off and holding positions which are non-exempt under FLSA. For persons laid off and holding FLSA exempt positions, excluding department heads, the City will provide four (4) weeks' notice or equivalent compensation.

Section 14-4 Return of City Property

All employees separating from the City service for any reason shall, prior to separation, return all City-owned property and equipment issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

Section 14-5 Discipline

Nothing in this policy or in this Employee Handbook (including a description of various types of discipline which may be administered) is intended to limit, in any way, the City's right to terminate an employee at-will at any time, with or without cause, and with or without advance notice. The fact that different levels of discipline are mentioned in this Employee Handbook shall not be construed as the City's adoption of a policy of "progressive discipline" before termination may occur.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

Any action which reflects discredit upon the City service or is a direct hindrance to the effective performance of the City government functions shall be considered cause for disciplinary action against any employee of the City.

A serious offense or repeated disciplinary problems may require immediate termination of employment. While employment may be terminated at any time without cause, serious misconduct of the following nature may result in immediate termination of employment for the first offense. Some circumstances constituting cause for disciplinary action are listed below, although charges may be based upon cause and complaints other than those listed.

1. Any off-duty conduct which impairs the employee's ability to do the job in a satisfactory manner.
2. Adjudication or plea of guilty to any felony, or a misdemeanor involving a crime against persons, property or involving moral turpitude.
3. Two (2) or more convictions or pleas of guilt during a three (3) year period of misdemeanors, State/Municipal alcohol related offenses, and/or State/Municipal traffic charges (if the employee operates vehicles or equipment).
4. Intoxication or the consumption of intoxicating beverages or illegal drugs while on duty or while on City property, or violation of the City substance policy.
5. Abusive or improper treatment to a person in custody.
6. Offensive conduct or language toward the public or toward City officers or employees.
7. Falsification of employment application or other City records, or the altering or falsifying of time cards, work records, or job records.
8. Incompetence or inability to perform the duties required.
9. Intentional damage or negligence in the care and handling of City property.
10. Violation of any official regulation or direction made or given by his superior, where such violation or failure to obey amounted to an act of insubordination or a serious breach of proper discipline, or resulted, or might reasonably have been expected to result, in loss or injury to the City or to the public.

11. Acts or omissions of acts unbecoming an incumbent of the particular office or position held which render a reprimand, suspension, demotion, or discharge necessary or desirable for the economical or efficient conduct of the business of the City or for the best interest of the City government.
12. Violation of any of the provisions of the ordinances or any administrative regulation of the City.
13. Inducing or attempting to induce any officer or employee in the City service to commit an illegal act, to act in violation of any lawful order and reasonable departmental or official regulation or order, or to participate therein.
14. Solicitation or receipt in whole or in part from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment, influence, or bribery to secure advantage in any City activity or circumstances.
15. Use or attempted use of political influence to obtain special treatment for an examination, promotion, or wage increase.
16. Failure to pay just debts due or owing, including taxes, licenses, or fines due the City, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance to the City, superiors, embarrassment to the City, to supervisors, or embarrassment to the service.
17. Absence from duty, without leave, contrary to these rules, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked and canceled by the proper authority.
18. Unauthorized use of City vehicles, tools, equipment, manpower, or materials for personal benefit. Any authorized use must be clearly approved by the appropriate supervisor.
19. Excessive use of City telephones for the conduct of personal business during working hours or for unauthorized long-distance calls.
20. Tardiness and/or abuse or excessive use of sick leave privileges.
21. Failure to properly report accidents or personal injuries.
22. Failure to maintain a satisfactory attendance record.
23. Failure to report wrongdoings of other City employees.
24. Failure to maintain any license or certification if possession of such a license or certification is a condition of employment.
25. Intentional failure or refusal to carry out lawful instructions.
26. Misappropriation, destruction, theft or conversion of City property.
27. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
28. Employee subsequently becomes physically or mentally unfit for the performance of his duties.
29. Acts of misconduct while on duty.
30. Neglect or carelessness resulting in damage to City property or equipment.
31. Violation of Federal or State Statute or City ordinance.
32. Soliciting and/or the acceptance of gifts or the attempted use of a City Position for personal gain.
33. Other conduct which is detrimental or prejudicial to the best interest of City Government.
34. Any other violations of these rules and regulations deemed sufficient to warrant discipline by appropriate supervisors.

Section 14-6 Disciplinary Actions Defined

Any of the following disciplinary actions may be imposed by the City depending upon the City's judgment of the necessary action to address employee conduct in violation of appropriate standards. The City, at its discretion, may determine that disciplinary action less than dismissal may be appropriate in some circumstances.

A. Oral reprimand

An employee may receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's supervisor with notation to the employee's personnel file.

B. Written reprimand

A written reprimand may be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's supervisor.

C. Suspension

Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and City Administrator prior to completion of the action.

1. An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the City and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the City.
2. When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.
3. Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.
4. An employee may be suspended for a definite period of time for a specific cause.

D. Demotion

An employee may be moved to a position in a class with a lower maximum salary rate for misconduct. Demotions shall be approved by the department head and City Administrator prior to completion of the action.

E. Dismissal

Discharge of a full-time employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline. Dismissal shall be approved by the department head and City Administrator prior to completion of the action.

F. Referral

At any step of the disciplinary process the employee's supervisor may refer the employee to the Employee Assistance Program (EAP).

G. Personnel File

Documentation of all disciplinary actions will be placed in the employee's personnel file.

Section 14-7 References

The City does not provide former employees with references regarding work performed for the City.

Section 14-8 Authority of Board of Aldermen and Mayor

No language in this Personnel Handbook granting authority to the City Administrator or any other person shall in any way be interpreted as intending to remove from the Mayor or the Board of Aldermen their hiring and/or removal authority under R.S.Mo. § 79.240, under other provisions of the Smithville Code or otherwise.

ARTICLE 15 APPEALS AND GRIEVANCES

Section 15-1 Grievance Policy

It shall be the policy of the City to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the preparation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. If an employee has access to more than one (1) complaint process, the employee must choose which process to pursue at the beginning of the grievance and may only utilize one (1) process.

A. Representation

An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.

B. Grievance Procedure

1. Oral report: An employee who has a grievance shall first present the grievance to the immediate supervisor within three (3) working days of the action or incident in question. If the grievance is against the immediate supervisor, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.
2. Written report: If the oral grievance presentation fails to settle the grievance the employee may within six (6) working days submit a written grievance report of the action or incident in question to the immediate supervisor. Within three (3) working days after receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory, the employee may, within five (5) working days after receiving the reply, submit an appeal in writing to the department head. The department head shall confer with the aggrieved employee before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within five (5) working days of the date on which the appeal was received by the department head.
4. Appeal to City Administrator: If the appeal to the department head fails to resolve the grievance, the employee may, within five (5) working days of receipt of the decision on the grievance, submit an appeal in writing to the City Administrator. Within fifteen (15) working days of the receipt of such an appeal, the City Administrator or a designee shall meet with the employee to discuss matters pertinent to the grievance. The decision of the City Administrator, under supervision of the Mayor, shall be final and no further right of appeal shall be provided to employees. The City Administrator shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head within fifteen (15) days after the meeting with the employee.

C. Classification Grievances

All grievances pertaining to the classification of an employee shall be made in writing to the City Administrator through the department head. The decision of the City Administrator, under supervision of the Mayor, shall be final in all matters of classification, and the employee shall not have further right of appeal.

D. Compensation Grievances

The pay range established for a given class of work shall not be subject of the grievance procedure.

Section 15-2 Appeal Policy

Appeals of terminations or other disciplinary actions for cause may only be taken by department heads and the City Officials as set forth in Chapter 105 of the Smithville Code (in this subsection "Appellant"), and shall be in the form of a written appeal report and shall be made to the Board of Aldermen within five (5) working days of the effective date of the termination or other disciplinary actions. At the next regularly scheduled meeting of the Board of Aldermen following the receipt of the appeal, the Board of Aldermen shall decide whether to grant a hearing before the Board of Aldermen and if so, shall thereafter proceed with the appeal hearing before the Board of Aldermen, or Board of Aldermen may summarily affirm the termination. The decision on its consideration of the appeal and hearing shall be closed to the public. Notwithstanding the above, the Board may choose to decide on its consideration of the appeal and the actual appeal at a later date. If so, the Appellant shall be given notice of the hearing. The Board shall rule on the appeal based on the report of the City Administrator, as well as evidence and testimony presented at the hearing. The decision by the Board of Alderpersons shall be final.

Section 15-3 Conduct of Investigation

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the City may conduct such investigation, including but not limited to involving the production of records or reports by a City department.

ARTICLE 16 RECORDS AND REPORTS

Section 16-1 Personnel Records

Human Resources shall be the central repository for all personnel files and records.

Section 16-2 Reports

Every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave and other temporary or permanent changes in the status of employees in the City service shall be reported in writing. The City Administrator shall prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules.

Section 16-3 Public Records

Employment records of an employee are not public records, except to the extent required by Missouri Open Records Law.

ARTICLE 17 TRAVEL EXPENSES

Travel to conduct City business should be accomplished in the most economical and efficient manner possible. This policy governs allowable expenses, by which travel is obtained and the required procedures and documentation.

This policy applies to any elected or appointed official or City employee who travels as well as anyone who arranges, approves, pays for or processes transactions related to travel.

A. General Guidelines

The City pays or reimburses reasonable and necessary expenses for City travel, with proper approval by the City.

Travel is often part of the job and travel arrangements and payments are intended to be neutral to the employee with no advantage or benefit to the employee.

The City's reimbursement policies are based on IRS guidelines for an accountable plan, which allows the City to reimburse employees for authorized business expenses without creating a taxable event for the employee.

It is your responsibility to demonstrate that the expenses you incur or approve are reasonable and necessary. As needed, you should include explanations and documentation to fully substantiate travel expenses.

The standard you should apply is that each travel expense should stand on its own without the need to seek further explanation. In other words, an individual who did not take or approve a trip could review the trip documentation and readily understand what expenses were incurred and why and how they relate to transacting City business.

As a traveler or approver, you are responsible for being familiar with and adhering to City travel rules and policies. Deliberate disregard for City travel rules or policies or intentionally filing or approving a fraudulent or misleading expense report are grounds for disciplinary action including termination of employment.

Where feasible and appropriate, you should have the City pay travel expenses before the trip, such as airfare and registration. Eligible expenses you incur are reimbursable after the travel has occurred.

The City has two credit cards (Procurement Card and Fuel Card) that may be used to pay for travel expenses. Collision damage coverage is provided by the card issuer when the Procurement Card is used to pay for rental cars.

B. Types of Travel Expenses

1. Vehicle

For travel by vehicle, use City issued fuel credit cards to purchase fuel for City owned vehicles.

Reasonable expenses for oil, washing, filters and other necessary services are allowable as long as you attach receipts to your expense report or provide other justification, such as for a coin operated car wash.

It is the intent of the City to use City vehicles whenever possible in lieu of use of personal vehicles for City travel purposes. When a City vehicle is not available or appropriate, mileage shall be reimbursed at the standard mileage rate set by the Internal Revenue Service for use of a personal vehicle for official City business when traveling more than fifteen (15) miles outside City limits.

2. Air Travel

You are expected to exercise prudent care in arranging airfare in order to obtain the lowest feasible fare. Only coach fare is allowed. You should obtain the lowest reasonable, logical airfare. Air travel arrangements should be made on the basis of what benefits the City and not on accruing frequent flyer miles for an individual.

3. Lodging

Lodging shall be reimbursed when travel extends beyond seventy-five (75) miles from the City, or a greater than ninety (90) minute one-way trip.

You are expected to select the location, type and cost of lodging that best meet the needs of the City and your work requirements. Reasonable and necessary amounts are allowed for the cost of lodging at the single room rate, in accordance with the U.S. General Services Administration lodging rates. In areas where comparable accommodations are available at significantly different prices you should seek prior approval for selecting higher priced lodging and document the reason(s) for selecting the higher priced lodging.

Key issues that determine hotel acceptability to the City include accountability, transparency, price, safety, convenience, ease of booking and payment, oversight and issue resolution.

When traveling on City business in Missouri, your lodging is exempt from state sales tax. At the time of check-in, provide a copy of the Missouri Sales and Use Tax Exemption Certificate.

An itemized statement furnished by the lodging provider and documentation of payment are required for all lodging expenses.

4. Meals

Employees may claim the applicable per diem rate for each eligible meal (breakfast, lunch or dinner) while in travel status. Tips on meals are part of the per diem and may not be claimed separately. Employees may not use the Procurement Card to pay for meals while in travel status. Employees must pay for meals from their own funds. Their actual expense may differ from the applicable meal per diem.

Travel status begins when you leave your residence or domicile to travel on City business. Travel status ends when you return to your residence or domicile. You are not in travel status if any part of your trip involves a commute. When your official domicile and residence are different, the travel status begins and ends on whichever is less.

To qualify for a meal per diem when no overnight lodging is indicated, you must be in travel status for twelve (12) hours or more.

Eligible meal is defined as follows:

- a. Breakfast –if travel status begins no later than 7:00 a.m.
- b. Lunch –if travel status begins no later than 10:00 a.m. and continues past 2:00 p.m. until you return.
- c. Dinner –if travel status begins no later than 5:00 p.m. and continues past 7:00 p.m. until you return.
- d. The per diem rate is set in accordance with the U.S. General Services Administration meals and incidental expenses breakdown.

When attending a meeting or conference you may claim the applicable meal per diem for those meal times where you document that no meal was provided.

5. Miscellaneous Expenses

You may request reimbursement for reasonable and necessary business expenses you actually incur related to travel, including:

- a. Taxis or other ground transportation to or from the airport and to or from meetings away from your hotel.
- b. Parking.
- c. Transportation to attend official events outside the hotel or to get a meal.
- d. Toll charges for bridges and turnpikes.
- e. Incidental expenses such as postage, small emergency supplies, telephone, internet, fax, and other like charges when necessary for transacting City business while traveling. Attach proof of payment to your expense report.

Expenses incurred for your sole benefit, such as any type of insurance, Individual Business Travel Card late payment fees or finance charges, travel loan finance charges, personal credit card fees or dues, entertainment such as television or movie charges, bar bills, fitness

membership fees, extra meals or snacks, bulk food/beverage purchases, newspapers, magazines and other like charges are not allowed as reimbursable travel expenses.

Items which have been properly purchased and invoiced directly to the City of Smithville are not reimbursable and should not be included on an expense report.

C. Reimbursement Process

A monthly expense report is required to request reimbursement of travel expenses. Attach itemized receipts for each item for which reimbursement is requested.

Expenses reports must be submitted within 90 days after the end of the trip on which the expenses are paid or incurred or the reimbursement may be taxable to the employee. For expenses reported more than 90 days after the end of the trip, you must document the reason for the delay. Reimbursement is subject to the availability of funds and the City has the discretion to deny reimbursement.

The person incurring the expenses must sign the form and submit it for approval.

D. Other Requirements

1. Resident City Other Than Official Domicile

If your residence is in some place other than the City of Smithville (your official domicile), you are not allowed expenses while in your resident city or mileage for travel between your resident city and your official domicile. You may request reimbursement for a meal charge you incur within your resident city if incurred as part of a City sponsored conference or business meeting. This represents meals served to officials and employees at conferences and meetings while they are interacting and conducting City business. Any additional travel expense incurred because you reside in a place other than the official domicile is not eligible for reimbursement.

2. Alternate Travel Arrangements

Employees may request approval to travel by alternative means or under an alternative time frame. Examples are traveling by personal vehicle to a meeting and extending the time of travel before and/or after the meeting. The City will pay or reimburse no more than what it would have had the employee traveled by conventional means and under normal time constraints. Your request must include the following information:

- a. Your reason for requesting this arrangement
- b. Documentation of what your expenses would have been had you traveled in a conventional manner
- c. A clear demonstration that this alternate arrangement is not to the detriment of the City.

- d. Whether or not your alternate arrangement will have you traveling at times that normally would be work times. In these cases, you may need to seek approved time off.
- e. If you elect to drive a personal vehicle rather than fly, you must provide a comparison between the estimated total cost to drive and the estimated total cost to fly. If approved the City will reimburse the lower of your actual cost to drive or the estimated cost to fly.

Additional provisions regarding alternate arrangements include:

- a. Only authorized passengers are permitted to ride in City owned vehicles, including vehicles rented under the City's name. Non-City individuals such as volunteers, spouses, and children should not be passengers in a City vehicle unless they are involved in the conduct of City business.
- b. If an employee personally rents a vehicle for City business travel because they want to take an "unauthorized passenger" with them in the rental, the employee must purchase liability and collision coverage through their personal auto insurance or directly from the rental company. In the event of an accident, the employee's coverage or insurance purchased from the rental agency would provide primary coverage. Any expenses incurred beyond the rental charge and fuel are not allowable for reimbursement.

3. Spouse and Family Expenses

Expenses for a spouse and family at an official business function are allowable under the following circumstances:

- a. This expense must be for a legitimate business reason where attendance of the spouse is required to represent the City. City employees and officials may be reimbursed for expenses incurred by their spouses or other members of their family only as provided in City policy.
- b. Approval of these expenses should be attached to the applicable expense documents.

4. Exceptions

As this policy is approved by the Board of Aldermen, any exceptions to the policy must be in writing and approved by a majority vote of the Board of Aldermen.

ARTICLE 18 PROHIBITIONS AND PENALTIES

Section 18-1 Participation in Political Activities

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

1. Campaign fund raising, or other partisan political activities on City premises while in the performance of duties and responsibilities as an employee of the City.
2. Abuse of official position for political ends.
3. Use of official working time or unauthorized use of City resources for political activity.
4. Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
5. Performing political activities at the direction of a supervisor, department head, or other City official.

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

Section 18-2 Discrimination and Sexual Harassment

No appointment, promotion, demotion, removal, or advancement in employment shall be made based on race, religion, creed, national origin, sex, age, non- disqualifying physical or mental disability, or any other characteristic protected by law.

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No department head, supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by department heads, supervisors, or non-supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any department head, supervisor, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including termination.

It is the policy of the City to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the City prohibits sexual harassment by and of its employees.

Sexual harassment is misconduct which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and is a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include:

1. Verbal: suggestive comments about a person's clothing, body, or sexual activity; humor or jokes about sex or about gender-related characteristics; sexual innuendos and comments; direct or indirect threats linked to sexual propositions or sexually- explicit questions.
2. Nonverbal: suggestive or insulting sounds (leering, whistling); display of sexually- explicit pictures or photographs; obscene gestures; staring at a person's physical features.
3. Physical: intentionally brushing a person in passing; inappropriate touching, patting, or tickling; pinching or squeezing; coerced sexual activity and sexual assault.
4. Written: suggestive notes, letters; suggestive E-mail messages, text messages.

If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any supervisor or directly to the human resources department. If the supervisor is the offending person, the aggrieved person should report to the next higher level of management or directly to the human resources department.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. If you feel you have experienced or observed any form of unlawful harassment, please take the following actions:

1. promptly advise the offender(s) that the conduct is unwelcome and request that it be stopped immediately;
2. document the incident as to date, time, place, witnesses, and nature of the incident; and
3. report the incident to the EEO Officer immediately.

In all cases, the EEO Officer or his or her designated representative will be available to hear complaints. The EEO Officer shall be the City Administrator.

Employees are encouraged to use the City's grievance procedure to address sexual harassment problems.

Employees intentionally making false claims are subject to discipline as set forth herein.

Section 18-3 Nepotism; Restriction on Employment of Relatives

A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service over which the employee exercises jurisdiction or control, any person to whom he/she is a relative by consanguinity or affinity within the fourth degree, by consanguinity or affinity, or who is an immediate family member. A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service in violation of law.

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of the immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section.

Section 18-4 Outside Employment

No full-time employee shall accept outside employment, whether part-time, temporary, or permanent, without notification first being given to the appropriate department head or the City Administrator. Each change in outside employment shall require separate notification. When such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service, the department head or City Administrator shall take appropriate disciplinary action to prevent such interference, and the City Administrator may terminate the employee if such conflict may result in significant impairment to the municipal service. Employees may not engage in any private business activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties.

Section 18-5 Conflict of Interest

Except as otherwise authorized by law, no employee in the City service shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to the City. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the City when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. No employee shall receive any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to the City. Conflicts also reach to spouses' and dependent children's interests. Notwithstanding the above, holding less than 5% of the stock in a publicly traded company shall not be deemed a conflict of interest for purposes hereof.

Section 18-6 Disability and Reasonable Accommodation

The City is committed to providing an accessible and supportive environment for employees with disabilities. Equal access for qualified employees with a disability is an obligation of the City under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), and the ADA Amendments Act of 2008 (ADAAA). The City does not discriminate on the basis of disability against otherwise-qualified individuals in any program, service or activity offered by the City. The City is committed to ensuring that no otherwise qualified individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids or other appropriate services; however, accommodations cannot result in an undue hardship to the City or fundamentally alter the essential functions of the job.

Employees are responsible for initiating requests for any desired disability related workplace accommodations. Supervisors/department heads are responsible for receiving requests for workplace accommodations, informing employees of the process and referring requests to the City Administrator, who will work with Human Resources regarding the request. Supervisors are also responsible for initiating a discussion concerning accommodations when they have reason to believe that an employee's disability precludes the employee from initiating a request. Supervisors should inform the City Administrator and human resources department of all requests for accommodations. The City Administrator, in conjunction with the human resourced department, is responsible for evaluating the request, determining what type of documentation is necessary, and determining if the requested accommodation is appropriate and effective.

As used in this Section:

1. Disability: The term "disability" means, with respect to an individual — (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) a record of such an impairment; or (3) an impairment that is episodic or in remission if it substantially limits a major life activity when it is active.
2. Substantial Limitation: An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The determination of whether an impairment substantially limits a major life activity depends

on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

3. Major Life Activity: A major life activity is defined as the act of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
4. Qualified Individual with a Disability: An employee or applicant for employment who, with or without a reasonable accommodation can perform the essential functions of the position.
5. Reasonable Accommodation: A modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position. Examples of reasonable accommodations may include, but are not limited to: (1) making existing facilities readily accessible to and usable by persons with disabilities; (2) job restructuring, modifying work schedules, reassignment to a vacant position; or (3) acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
6. Essential Job Function: The fundamental duties of the position or the primary reasons the position exists. The City does not have to eliminate an essential function from the position, nor does it have to lower quality or performance standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. The City does not have to create a new position to accommodate an employee.
7. Undue Hardship: An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the City's size, financial resources, and the nature and structure of its operation. Undue hardship also refers to an accommodation that is unduly expensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.

Applicant and employee requests for reasonable accommodations shall be made to his or her supervisor. Supervisors receiving a request should immediately contact the City Administrator and human resources department for guidance.

Section 18-7 Penalties

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the City and the State of Missouri.

ARTICLE 19 MANAGEMENT RIGHTS

Section 19-1 Retained Rights

The City shall retain the sole right and authority to operate and direct the affairs of the City in all its various aspects. Among these rights are the City's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the City; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

ARTICLE 20 ELECTRONIC COMMUNICATION POLICY

Section 20-1 Purpose

To ensure the responsible and acceptable use of electronic communication systems including, but not limited to internal and external electronic mail (e-mail), and the internet while continuing to support the needs of citizens and City employees.

Section 20-2 Policy

The City views the legitimate use of the internet/e-mail system as potentially enhancing many of its functions and services being provided to the public. The goal of the policy is to insure the responsible and acceptable use of these resources. This policy applies to all employees, contractors, volunteers and other individuals who are provided access to these systems.

The City reserves the right to review all data, information or computer files stored in or sent to or from computers owned or supplied by the City. This includes any type of e-mail, internet access usage, or other subscription services.

All data and other electronic messages within this system are the property of the City. This includes all the material and information created, transmitted or stored on this equipment. There should be no expectation of privacy for any of the material or information. All users must realize that material or information that has been deleted can be retrieved and viewed by others. That also includes the e-mail that has been deleted. The Board of Aldermen reserves the right to change this policy at any time.

Section 20-3 Eligibility

Department heads and elected officials may provide access to internet and/or email systems for some employees. This capability will be provided on an as needed basis and is a revocable privilege. Only the City-approved internet provider may be used to access the internet. Any additional hardware or software required for internet access must be authorized by the information services administrator.

Section 20-4 General Guidelines for Internet/e-mail Usage

These resources are to be used primarily to conduct City business. However, incidental and occasional personal use during non-working hours is permitted with supervisory approval.

The safety and security of the City's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of the user's assigned password(s). Individual users will be held accountable for use of their account by others.

Users must abide by copyright, contract and other local, state and federal laws, City administrative directives and policies, as well as individual department guidelines. Downloading files that are not related to conducting business for the City is not allowed.

Downloading of application programs or files without consent of the City Administrator is prohibited. The City does not recommend the downloading or installation on City computers of application software from the internet. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard City applications. Any and all material downloaded with written permission of the City Administrator from the internet shall be downloaded to the user's local hard drive. No files should be copied to any network drive until after the files have been scanned manually or automatically for computer viruses. If a virus is detected, the information services administrator should be notified immediately. Any and all material downloaded from the internet should relate to legitimate City use.

Section 20-5 Employer-Issued Cellular Phone Policy

At the discretion of the City Administrator, city employees may be issued one (1) cellular phone unit of the City's choosing for use during working hours and as emergency contact after hours. The cell phone capability for city use will be limited to those employees as designated by the City. The phone is the primary source of communication during working hours.

If an employee is issued a cell phone and that employee is only interested in cell phone use for city purposes and is not interested in paying for personal use, then the employee shall not use the phone for any personal use. The City administration will review itemized billing(s) to ensure that no personal calls are made or accepted on the integrated cell phone issued to that employee. The City will be responsible for the costs associated with city business only.

If an employee is issued a cell phone and the employee wishes to use the phone for personal use, the employee is required to pay for any excess charges that would not be otherwise be paid by the City. In addition, the employee shall authorize \$10 a month to be withheld from their paycheck to use the phone for personal use, but if the costs incurred by the employee exceed the normal \$10 monthly fee, then the employee hereby authorizes the City to withhold the additional charges from the employee's paycheck.

The employee will be responsible for all unauthorized charges including but not limited to: data usage, directory assistance, text messaging, premium text messaging, downloading of ring-tones, call-tones, or dial-tones, and excise taxes associated with overages.

Excessive personal cell phone traffic and other abuse of cell phone capabilities will not be tolerated.

Prior to the use of the cell phone, the user should be thoroughly familiar with the phone features, proper care and operation, and rate plan limitations for the assigned phone.

Each person assigned cell phone is responsible for its proper care and use. The City may purchase insurance to cover insurance for loss or damage. However, there remains a deductible that may need to be paid for each incident. Each employee will be responsible for replacement of the phone 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.

Employees shall be responsible for insuring that the battery is adequately charged to ensure unit operation during working hours. Employees that are issued cell phones shall carry the unit with them during work hours so they are able to be contacted via the unit.

All employees are prohibited from using a cell phone or similar device while driving, except with the use of a hands-free device, whether the business conducted is personal or company-related

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 pay check.

The use of the cell phone shall also be subject to all of the other terms of this Article 20 in all respects including but not limited to internet and email policies and employees having no expectation of privacy in any use of the cell phone for any reason.

Any misuse or abuse of the cell phone or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.

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 pay check.

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 20-7 Social Media Policy

All employees are subject to the Social Media Policy adopted by the City, as now enacted or as amended, this Employee Handbook, and in particular this, article. The establishment and use by any City department of City's social media sites are subject to approval by the City Administrator or his/her designees. All City of Smithville social media sites shall be administered by members of City of Smithville staff. Authorized employees representing the City government via social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. Unauthorized use of City social media sites by employees are subject to disciplinary action in accordance with the Employee Handbook. Employees exhibiting behavior on City's social media sites that is not in accordance with City policy are subject to disciplinary action in accordance with the Employee Handbook.

Employees shall have no authority to post any comments or matter as representing the position or policy of the City of Smithville on any social media site, whether a City site or otherwise, without being authorized as set forth herein.

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.

ARTICLE 21 SAVINGS CLAUSE AND AMENDMENT

Section 21-1 Savings Clause

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

Section 21-2 Amendment

Amendment of these rules and regulations shall be approved by a majority vote of the Board of Aldermen. Copies of such amendments shall be distributed to all department heads and such other officials as the City deems appropriate and made available to all employees.

The City retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of its published or unpublished policies or practices, with or without notice. If statements in this Employee Handbook are found to conflict with existing or future local, state or federal laws or regulations, such rules shall supersede and prevail over the Employee Handbook statements. This edition of the Employee Handbook supersedes all previous editions of the Employee Handbook.