



# *Personnel Policy*

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Those rules and regulations highlighted in red apply to full-time, part-time, temporary or seasonal positions and to any contract employee under direct city supervision.

Those rules and regulations in black apply to full-time personnel only.

<b>SECTION ONE - OVERVIEW</b> .....	<b>6</b>
1.1 PURPOSE.....	6
1.2 AT-WILL EMPLOYMENT .....	6
1.3 EXPECTATIONS OF EMPLOYEES .....	6
1.4 EXPECTATIONS OF MANAGEMENT .....	6
1.5 ADMINISTRATION OF THE RULES .....	7
1.6 POSITIONS COVERED BY THE RULES .....	7
1.7 UNCLASSIFIED SERVICES .....	8
1.8 CLASSIFIED SERVICES.....	8
1.9 DEFINITIONS.....	8
<b>SECTION TWO - RECRUITMENT AND APPOINTMENT</b> .....	<b>13</b>
2.1 EQUAL OPPORTUNITY POLICY .....	13
2.2 REQUEST TO FILL A VACANCY .....	13
2.3 JOB POSTING/RECRUITMENT .....	13
2.4 APPLICATION.....	13
2.5 PRE-EMPLOYMENT SCREENING .....	14
2.6 APPOINTMENTS.....	15
2.7 REHIRE.....	15
2.8 PROBATION .....	15
2.9 EMPLOYMENT OF RELATIVES .....	18
2.10 TYPES OF EMPLOYMENT.....	18
<b>SECTION THREE - POSITION CLASSIFICATION PLAN</b> .....	<b>20</b>
3.1 PURPOSE .....	20
3.2 INTRODUCTION.....	20
3.3 STRUCTURE .....	21
3.4 ESTABLISHMENT .....	21
3.5 MAINTENANCE OF THE POSITION CLASSIFICATION PLAN .....	23
<b>SECTION FOUR - COMPENSATION PLAN</b> .....	<b>25</b>
4.1 COMPENSATION.....	25
4.2 PURPOSE AND DESCRIPTION .....	25
4.3 PAY RATES.....	26
4.4 EMPLOYEE PERFORMANCE EVALUATION/APPRaisal.....	27
4.5 PERFORMANCE PAY INCREASES .....	30
4.6 PAY AND RELATED PROCEDURES .....	33
<b>SECTION FIVE - CHANGE IN EMPLOYMENT STATUS</b> .....	<b>36</b>
5.1 PROMOTION.....	36
5.2 TRANSFER .....	36
5.3 DEMOTION .....	36
5.4 SUSPENSION.....	37
5.5 DISMISSAL/TERMINATION .....	38
5.6 LAYOFF .....	38
5.7 ABANDONMENT.....	38
5.8 RESIGNATION.....	39

5.9 RETIREMENT .....	39
5.10 MISCELLANEOUS PROVISIONS .....	39
<b>SECTION SIX .....</b>	<b>40</b>
<b>SECTION SEVEN - RULES AND DISCIPLINE .....</b>	<b>41</b>
7.1 DISCIPLINE .....	41
7.2 POLICIES AGAINST DISCRIMINATION .....	41
7.3 INAPPROPRIATE BEHAVIOR POLICY.....	43
7.4 TOBACCO USAGE .....	45
7.5 PROHIBITION OF WORK SLOWDOWN .....	45
7.6 ABSENTEEISM AND TARDINESS .....	45
7.7 DISCIPLINARY ACTION .....	46
7.8 DISCIPLINARY RECORDS .....	47
7.9 WORK RULES.....	47
7.10 DUE PROCESS.....	50
7.11 GRIEVANCES.....	50
7.12 APPEAL TO CITY COUNCIL .....	52
<b>SECTION EIGHT - SAFETY/HEALTH .....</b>	<b>53</b>
8.1 SAFETY POLICY STATEMENT.....	53
8.2 WORKERS' COMPENSATION/ON-THE-JOB INJURIES .....	53
8.3 EMPLOYMENT OF INDIVIDUALS WITH LIFE-THREATENING DISEASES.....	54
8.4 PERSONAL SAFETY.....	55
8.5 MODIFIED/LIGHT-DUTY ASSIGNMENT.....	55
<b>SECTION NINE - AMERICANS WITH DISABILITIES ACT (ADA) .....</b>	<b>56</b>
9.1 INTRODUCTION.....	56
9.2 EMPLOYMENT PRACTICES COVERED UNDER ADA.....	56
9.3 INDIVIDUALS PROTECTED BY ADA.....	56
<b>SECTION TEN - MISCELLANEOUS PROVISIONS .....</b>	<b>58</b>
10.1 CONDUCT.....	58
10.2 PERSONAL APPEARANCE.....	58
10.3 CONFIDENTIALITY .....	58
10.4 LUNCH/SUPPER BREAK.....	58
10.5 COMMUNITY ACTIVITIES.....	59
10.6 PERSONAL TIME AT WORK .....	59
10.7 CITIZEN QUESTIONS OR REQUESTS FOR SERVICE.....	59
10.8 OUTSIDE EMPLOYMENT.....	59
10.9 PERSONNEL RECORDS .....	59
10.10 INFORMATION REQUIRED .....	60
10.11 RESIDENCY REQUIREMENTS.....	60
10.12 INDEMNIFICATION .....	60
10.13 ADMINISTRATIVE RULES .....	61
10.14 POLITICAL ACTIVITY.....	61
10.15 FITNESS FOR DUTY .....	61

<b>SECTION ELEVEN - FRINGE BENEFITS MANAGEMENT .....</b>	<b>62</b>
11.1 MANAGEMENT.....	62
11.2 TYPES OF LEAVE/REQUEST POLICY .....	62
11.3 PAID HOLIDAYS.....	63
11.4 VACATION LEAVE.....	63
11.5 SICK LEAVE.....	66
11.6 FAMILY & MEDICAL LEAVE ACT (FMLA).....	67
11.7 PERSONAL TIME OFF .....	Error! Bookmark not defined.
11.8 FUNERAL LEAVE .....	72
11.9 MATERNITY LEAVE .....	72
11.10 MILITARY LEAVE.....	72
11.11 CITIZENSHIP LEAVE.....	73
11.12 UNPAID LEAVE OF ABSENCE .....	74
11.13 EDUCATION LEAVE.....	74
11.14 TUITION REIMBURSEMENT PROGRAM .....	75
11.15 HEALTH INSURANCE.....	77
11.16 DENTAL INSURANCE.....	77
11.17 LIFE INSURANCE .....	77
11.18 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA).....	77
11.19 RETIREMENT.....	78
11.20 CAFETERIA PLAN.....	78
11.21 UNIFORMS AND ALLOWANCES .....	78
11.22 EMPLOYEE IDENTIFICATION.....	78
11.23 ADVANCEMENT OF SICK LEAVE .....	79
 <b>SECTION TWELVE - ALCOHOL AND CONTROLLED SUBSTANCE TESTING</b>	
<b>POLICY .....</b>	<b>81</b>
 <b>SECTION THIRTEEN - ORGANIZATION FOR PERSONNEL SERVICES .....</b>	<b>91</b>
13.1 HUMAN RESOURCE DEPARTMENT .....	91
13.2 DEPARTMENT HEAD RESPONSIBILITIES .....	92
13.3 APPROVAL OF DEPARTMENT HEAD PERSONNEL ACTIONS .....	92

## SECTION ONE – OVERVIEW

### 1.1 PURPOSE

It is the purpose of this manual to set forth the principles and procedures which will be followed by the City of Republic in the administration of its personnel program. This manual is intended to establish an efficient, equitable and functional system of personnel administration, which governs the assignment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment.

The City of Republic values the employees whose service is essential to the proper delivery of services to the community. As such, it is also the purpose of this manual to establish programs for employee recognition and rewards as well as to encourage positive and long-lasting working relationships within the organization.

The City understands that every situation is unique and reserves the right to apply these policies as deemed appropriate, in any particular situation. The City reserves the exclusive right to interpret its rules and policies, both those set forth in this booklet and not set forth herein, as it deems appropriate in any given situation.

Should any questions arise from reading these policies and procedures, please feel free to discuss them with your Department Head or Personnel Services.

### 1.2 AT-WILL EMPLOYMENT

The City of Republic Personnel Manual is not intended to be a contract between the City and its employees and cannot be altered to become a contract. Employment is strictly at-will pursuant to Missouri law, is not governed by an oral or written contract, and can be terminated at any time, with or without cause or advance notice by either party. The continued employment of any employee is not guaranteed, and is influenced by economic conditions and the individual's interaction with the organization, its policies, and other employees.

### 1.3 EXPECTATIONS OF EMPLOYEES

This organization expects all employees to be at work, on time, when scheduled (unless excused), to expend the defined effort and diligence toward assigned tasks, and to constantly strive to meet our citizens' needs. Work hours/shifts are determined by the Department Head and the City Administration to ensure the needs of the City are being met. You are reminded that in this organization, every employee is also an internal customer – not just the external customers are important here. It is the responsibility of all employees to support, uphold, and adhere to this personnel policy as applicable.

### 1.4 EXPECTATIONS OF MANAGEMENT

The management of this organization is expected to work diligently to ensure that the various functions of the organization are performed in an efficient and effective manner. All persons filling management positions are expected to fully consider the satisfaction of city employees

and city residents together to achieve optimal levels of productivity and quality of service. It is the responsibility of all management personnel to support, administer, and uphold this personnel policy as applicable.

## **1.5 ADMINISTRATION OF THE RULES**

The City Administrator directs the administration of the personnel policies established by this manual. The City Administrator shall from time to time recommend to the Mayor and the City Council appropriate amendments in order to maintain a fair and equitable system of personnel rules and regulations. The provisions of the rules may be revised or amended in the same manner in which they were originally adopted.

If a change in policy is mandated by court order, or state or federal law, the City Administrator may make the required change in compliance with the requirements of the law or order.

The City Administrator may establish in writing a designee(s) to assist in the administration of the City Administrator duties set forth in this policy.

In the absence of a Human Resource Department or Human Resource Director, the City Administrator may designate an individual or individuals or a department to act as a Personnel Services provider (hereafter "Personnel Services") to assist in managing the personnel policy of the City of Republic. In recognition of the fact that various individuals or departments may be involved with personnel matters, the City Administrator may assign specific duties of Personnel Services by written memo to one or more individuals or departments. The memo shall be made readily available to all employees in order to efficiently deal with the various aspects of personnel functions.

## **1.6 POSITIONS COVERED BY THE RULES**

All rules and regulations set forth in this manual shall be applicable to all employees filling full-time positions of the City. Some sections of this policy may vary for those employees who have entered into an employment agreement with the City.

**Those rules and regulations highlighted in red shall not only apply to full-time employees but shall apply to employees filling any part-time, temporary or seasonal positions and to any contract employee under direct city supervision.**

The use of interns shall be subject to approval of the City Administrator and the Director of Human Resources and no intern shall be offered an intern position without this approval in advance of the offer.

The City Administrator may approve employee contracts within the limits of the city's annual budget. Any references to gender shall be construed to include both male and female genders. This manual supersedes all previous publications to personnel policies.

## 1.7 UNCLASSIFIED SERVICES

Unclassified positions shall include the City Administrator, Assistant City Administrator, Executive Assistant, City Attorney, City Clerk, Director of Finance, Public Works Director, Police Chief, Fire Chief, Planning and Economic Development Director, Municipal Judge, Parks and Recreation Director, Information Technologies Director, Human Resources Director, legal and other technical personnel employed on special occasions, and those who may be employed in an advisory capacity.

## 1.8 CLASSIFIED SERVICES

Classified services include all full-time positions not specifically included by this manual in the unclassified services. All positions in the classified service shall be filled only in accordance with the classification plan, compensation plan, and other rules provided for in this manual.

## 1.9 DEFINITIONS

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

**Appointing Authority.** The City Administrator or a designee of the City Administrator, or any person or group of persons having the power by virtue of ordinance or other lawfully delegated authority to make appointment to positions in the municipal service.

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

**City Administrator.** The duly appointed City Administrator of the City or a designee as set forth in writing by the City Administrator.

**Class.** A grouping of one (1) or more sufficiently similar positions with respect to duties and responsibilities of the position, as enumerated within the positions' job description(s), and requires sufficiently similar knowledge, skills, and abilities to perform the duties, such that they may be fairly and equitably compensated according to the same salary range.

**Classification.** The original assignment of a position to an appropriate class according to the classification plan set forth herein.

**Comparable Position.** A similar position within the same class.

**Continuous Service.** The amount of the most recent period of time during which an employee continuously served the City as a full-time employee without termination or dismissal.

**Date of Hire.** The date upon which an employee was originally appointed to a full-time position with the City that began their current period of continuous service.

**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 pay rate.

Department. A principal branch of city government that may contain various divisions and/or shifts with similar job categories and functions.

Dismissal. See Termination.

Division. A branch of a department under the jurisdiction of the same Department Head now or as hereafter established.

Emergency. A sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health, welfare, and safety of the community.

Emergency Services. All employees appointed to positions in law enforcement, fire service, and emergency management not including Investigations Property and Evidence Specialist, Administrative Assistants, and Police Service Representatives – Records.

Evaluation Date. The annual recurrence of the date upon which the employee was most recently appointed to a position with the City.

Examination. Any test given by the City, whether written, oral, by example, or by review of credentials, which assesses an applicant's relative ability to perform the duties and responsibilities of a position.

Executive Management Team (EMT). A group of employees who, by virtue of the nature of their respective positions, are responsible for overseeing the daily operations of a unit of the City and/or are appointed by the City Administrator to serve as part of the team.

FLSA Exempt. The status of a position, which, by virtue of the nature of the work performed and the manner in which the position is compensated, according to the requirements of the Fair Labor Standards Act (FLSA), is exempt from certain provisions of the FLSA, particularly as they relate to overtime.

FLSA Non-Exempt. The status of position, which does not qualify as exempt from certain provisions of the Fair Labor Standards Act (FLSA), particularly as it relates to overtime.

Family. Spouses, children, wards, grandchildren, parents, grandparents, siblings, uncles, aunts, nephews, and nieces, including step, half, or in-laws.

Full-Time Employee. An employee, not including elected officials, occupying a position included in the adopted annual budget that is neither specified part-time or temporary/seasonal employment; 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; and the hours of work are approximately 2080 per year with the exception of certain Fire Department personnel whose work hours will exceed 2080 hours per year.

Grade. The pay range for each position class.

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

ICMA. International City Manager's Association.

Initial Probationary Period. A working test period during which a newly hired employee receiving their original employment to municipal service is required to demonstrate fitness by actual performance of the duties of the position to which the employee has been appointed. Unless otherwise specified in this manual, the initial probationary period shall continue for six (6) months from the date of hire unless extended as set forth herein.

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

LAGERS. Missouri Local Government Employees Retirement System.

Less than Satisfactory Performance. A measure of employee performance in the course of work in city service that represents a significant and identifiable failure to fulfill the primary duties and responsibilities of a position or the accomplishment of assigned tasks during an evaluation period. For purposes of performance evaluations, Less than Satisfactory Performance shall include the ratings of *Below Average Performance* and *Unacceptable Performance*.

**MRO. Medical Review Officer.**

Original Appointee. An employee who is the recipient of an original appointment as defined herein.

Original Appointment. An employee's initial appointment to municipal service for their current period of continuous service and for which there shall be served an initial probationary period, unless otherwise specified herein.

Outstanding Performance. A high standard of performance in the course of work in city service that represents an identifiable excellence in the fulfillment of the primary duties and responsibilities of a position above and beyond the minimum requirements of the position during the evaluation period.

**Part-Time Employee.** Employees whose normal assigned work hours are less than forty (40) hours per week, while not exceeding 1500 hours in a calendar year, and for which certain portions of this policy may or may not apply as specifically set out herein.

Performance Probationary Period. A working test period instigated by a performance evaluation for which an employee receives a less than satisfactory rating during which an employee is required to demonstrate satisfactory performance of the duties of the position, specifically as they relate to areas of deficiency noted in the instigating performance evaluation.

The performance probationary period shall continue for ninety (90) days from the date the approved copy of the performance evaluation is received by Personnel Services.

**Personnel Services.** Includes, but is not limited to, various functions related to employee matters such as records keeping, payroll and benefits, job posting and hiring procedures, disciplinary matters and procedures, etc. One or more city staff members may be assigned to perform functions that are either related to their primary job duties or that may be best suited for the type of job duties the staff member is assigned to perform. A staff member assigned to these functions may be referred to as a Personnel Services Representative with regard to the specific personnel function assigned to that person. Upon staffing of a Human Resource Department and/or upon appointment of a Human Resource Director, any or all of the duties may be assigned to that Department or Director.

**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 pay rate.

**Qualifying Probationary Period.** The working test period served by employees who have been transferred, promoted or demoted to a new position or who occupy a position that has been reclassified, during which the employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee has been appointed. The qualifying probationary period shall continue for six (6) months from the date of appointment to the position unless extended as set forth herein.

**Reclassification.** The official reassignment of a position to another class by the City Administrator, pursuant to the provision of Subsection 3.5 of this manual.

**Repositioning.** The official determination that a class of positions be assigned to a different pay range.

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

**SAP.** Substance Abuse Professional as that term is used by the Department of Transportation rule 49 CFR part 40.

**Satisfactory Performance.** A basic standard of performance in the course of work in the city service that represents the fulfillment of the primary duties and responsibilities of the position and the accomplishment of assigned tasks during the evaluation period. For purposes of performance evaluations, satisfactory performance shall include the ratings of *Outstanding Performance*, *Above Average Performance*, and *Satisfactory Performance*.

**Shift.** A group of employees that relieve another group(s) on a regular or rotating schedule under the jurisdiction of the same Department Head now or as hereafter established.

Step. The incremental increases in pay rates within a single pay grade that may be awarded to employees contingent upon the employee's satisfactory performance and the availability of funds.

Temporary/Seasonal Employee. Positions that are funded on a seasonal, temporary, or other special time-period basis. Such assignments are not intended to continue on a career basis and do not have expectations of regular full-time employment or assignment. Such positions shall not require or exceed more than 1500 hours of pay in any continuous twelve (12) month period.

Transfer. The movement of an employee from one position to another position within the same class.

Unit. A group regarded as a distinct entity within a larger group and under the jurisdiction of the same Department Head now or as hereafter established.

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

Year. A calendar year unless otherwise specified in a particular Subsection or article found herein.

## **SECTION TWO - RECRUITMENT AND APPOINTMENT**

### **2.1 EQUAL OPPORTUNITY POLICY**

All employment by the City of Republic will be on the basis of merit and qualifications for vacant positions. The City will not take part in favoritism, prejudices, and any form of malicious or illegal discrimination in the employment process. Politics, religion, sex, race, union affiliation, age, creed, color, national origin, veteran status, or any physical or mental handicap, which will not affect a person's ability to perform the job duties in a satisfactory manner, will not be a factor in consideration for employment, promotion, demotion, transfer, rate of pay, or dismissal.

### **2.2 REQUEST TO FILL A VACANCY**

In order to fill a vacancy, the Department Head must submit a written request to the City Administrator. Upon approval, the vacancy shall be advertised pursuant to Subsection 2.3 of this manual. The City Administrator shall be responsible to initiate the recruitment and selection process for Department Head positions and such vacancies shall be advertised pursuant to Subsection 2.3 of this manual.

### **2.3 JOB POSTING/RECRUITMENT**

The approval of a request to fill a vacancy by the City Administrator shall cause the initiation of the posting or advertisement of the position vacancy. When appropriate and with express approval of the City Administrator, a position may only be posted internally, with no external advertisement. When external advertisement is requested/required, the Department Head, in consultation with Personnel Services, will determine the extent and placement of external advertisements in order to effectively recruit from the appropriate labor market(s). Referral bonus incentives in an amount of \$300.00 may be initiated by the Human Resources Director, with approval of the City Administrator, for certain positions where the labor market is restricted or highly specialized. EMT members are not eligible for referral bonus incentives. The referral bonus shall be payable upon the satisfactory completion of the probationary period by the referred employee.

If an existing employee in an existing position announces his/her date specific departure, the respective Department Head and the City Administrator can initiate a search in advance of an actual vacancy.

### **2.4 APPLICATION**

Applications for all positions shall be directed to Personnel Services unless notice is given to do otherwise. Applications and résumés shall not be accepted for a position where a position-vacancy has not been posted. Applicants will not be considered for employment unless an application is on file. An application must be submitted for each individual position being applied for. The application serves as notice and authorization for background investigations

and substance abuse testing, as well as notice of at-will employment. All applications shall be forwarded to the Department Head for review.

## **2.5 PRE-EMPLOYMENT SCREENING**

### **A. BACKGROUND INVESTIGATIONS**

Final job candidates shall undergo a background investigation including, but not limited to, confirmation of past employment, reference check (if applicable), verification of Social Security number, driver's license check, and civil and criminal history check. Background investigation will be coordinated through Personnel Services. Individuals involved in Emergency Services may be required to undergo additional background investigation pursuant to department policy. An exception to the provisions of this paragraph may be granted during emergencies by the City Administrator, but in no case shall an employee of the City continue in the municipal service for any period longer than two (2) weeks without being subject to all background investigation requirements.

### **B. ALCOHOL AND CONTROLLED SUBSTANCE TESTING**

Drug testing shall be required prior to employment with the City of Republic. Receipt of a verified negative result is required prior to beginning employment. Failure to report for testing within the specified timeframe or a verified positive result for a controlled substance test disqualifies an applicant from assignment to employment for a minimum of one (1) year. Pre-employment drug testing shall be implemented pursuant to Section 12 of this manual. An exception to the provisions of this paragraph may be granted during emergencies by the City Administrator, but in no case shall an employee of the City continue in the municipal service for any period longer than two (2) weeks without being subject to all pre-employment substance testing requirements.

### **C. MEDICAL EXAMINATIONS**

Pursuant to an offer for employment with the City, medical examinations may be given to prospective employees to ensure that the health of the applicant is adequate to meet the requirements of the position. Prospective employees receive these examinations at the cost of the City and will use the physician chosen by the City.

### **D. EMPLOYMENT TESTS**

Applicants for employment may be required to take open competitive tests and/or skills tests. Tests may include: cognitive ability tests, personality and interest inventories, physical ability tests, and job knowledge tests. Scores will help determine an individual's qualifications for the position; however, test scores will not be the only determining factor in the selection process.

### **E. INTERVIEW**

The City of Republic will primarily use a structured interview format, which may be conducted on either a group or individual basis. Each applicant shall undergo a minimum of one (1) interview prior to any offer for appointment. In an emergency situation, the interview process may be delayed or eliminated for temporary hires.

## **2.6 APPOINTMENTS**

Upon completion of all applicable testing, screening and the interview process, the Department Head shall recommend to the City Administrator or designee the most qualified applicant to fill the existing vacancy. Upon approval by the City Administrator, the Department Head or designee shall make an offer of employment. If the applicant accepts the offer, Personnel Services will coordinate the processing of necessary documents and the orientation to city service including the issuance of a formal letter of appointment stating the employee's date of hire, initial pay rate, and all other pertinent information.

## **2.7 REHIRE**

Any employee who has been separated from municipal service with the City of Republic and who later makes an application for employment shall be subject to the same selection procedure as other applicants and will not be entitled to any benefits or accruals from prior service unless:

1. Such application occurs within six (6) months of leaving the city service by way of resignation or retirement and
2. The employee's most recent separation from city service resulted in a separation in good standing or
3. Such application occurs within one (1) year of leaving the city service after being laid-off.

Employees who leave the City not in good standing may not be eligible for rehire unless mitigating factors are shown.

## **2.8 PROBATION**

### **A. INITIAL PROBATIONARY PERIOD**

Each employee receiving their first appointment to a position with the City, that will mark the beginning of a period of continuous service, and is not being appointed to a position that is a part of the Executive Management Team, must serve an initial probationary period of six (6) months beginning on the date of hire. During the initial probationary period, the employee's work habits, attitude, promptness and other pertinent job-related characteristics will be observed and evaluated by his/her supervisor and Department Head. If the employee serving their initial probationary period fails to meet required standards of performance, he/she is to be dismissed unless there is good reason to believe the employee may achieve satisfactory performance by an extension. Any employee dismissed in this fashion and not for any reason related to

misconduct or inappropriate behavior shall be considered to have been separated from city service in good standing.

During the initial probationary period, the employee serving the testing period shall accrue paid leave, both sick and vacation, according to the accrual schedule provided in Subsection 11.4 of this manual. After working for the City for thirty days, the employee will be eligible to use their accrued leave. An employee may take leave without pay during their initial probationary period. With the exception of employees in emergency services, wages for designated holidays falling within the initial probationary period will be paid.

If an employee has not performed satisfactorily during their initial probationary period, the employee's Department Head may grant an extension of ninety (90) days to the probationary period. All of the provisions set forth herein concerning initial probationary periods shall apply during the extension period.

At the completion of the employee's initial probationary period or any extension thereof, the employee's supervisor and/or Department Head shall complete an evaluation of the employee and notify Personnel Services, in writing, that either: (A) the employee has successfully completed the initial probationary period and is capable of performing the duties of the position satisfactorily and is henceforth to be considered as serving as a regular employee with all rights and privileges due them; or (B) the employee has been given an extension of the initial probationary period; or (C) the employee has not demonstrated the ability to perform satisfactorily the duties of the position and is to be dismissed from City employment.

## B. QUALIFYING PROBATIONARY PERIOD

Each employee receiving an appointment to a position which they have not occupied within the previous 12 month period with the City, who has already served an initial probationary period during their current period of continuous service, and who is not being appointed to a position that is a part of the Executive Management Team must serve a qualifying probationary period of six (6) months beginning on the date of the appointment to that position. During the employee's qualifying probationary period, the employee's work habits, attitude, promptness and other pertinent job-related characteristics will be observed and evaluated by his/her supervisor and Department Head. If the employee fails to meet required standards of performance, he/she may be restored to the position which they were previously appointed to or to a comparable position, if available. If no comparable position is vacant or the position from which the employee was previously appointed to is no longer vacant, the employee may be demoted, transferred, or dismissed. Any employee who is dismissed in this fashion and not for any reason related to misconduct or inappropriate behavior shall be considered to have been separated from city service in good standing.

During the qualifying probationary period, the employee serving the testing period shall accrue paid leave, both sick and vacation, according to the accrual schedule provided in

Subsection 11.4 of this manual. The employee serving a qualifying probationary period shall be eligible to use and enjoy all benefits and accruals due them.

If an employee has not performed satisfactorily during their qualifying probationary period, the employee's Department Head may grant an extension of ninety (90) days to the probationary period. All of the provisions set forth herein concerning qualifying probationary periods shall apply during the extension period.

At the completion of the employee's qualifying probationary period or any extension thereof, the employee's supervisor and/or Department Head shall complete an evaluation of the employee and notify Personnel Services, in writing, that either: (A) the employee has successfully completed the qualifying period and is capable of performing the duties of the position satisfactorily; or (B) the employee has been given an extension of the qualifying probationary period; or (C) the employee has not demonstrated the ability to perform satisfactorily the duties of the position and is to be returned to the position from which they were previously appointed to or a comparable position, if available. If no comparable position is vacant or the position from which the employee was previously appointed to is no longer vacant, the employee may be demoted, transferred, or dismissed pursuant to Subsection 7.7.

The qualifying probationary period may be waived with the approval of the City Administrator.

### C. PERFORMANCE PROBATIONARY PERIOD

Employees who have received a less than satisfactory rating on their formal, annual performance evaluation must serve a performance probationary period for ninety (90) days. The performance probationary period shall begin on the date the City Administrator signs and approves the instigating evaluation. During the employee's performance probationary period, the employee's work habits, attitude, promptness and other pertinent job-related characteristics, especially as they relate to specified areas of performance deficiency communicated to the employee by their Department Head following the issuance of a less than satisfactory performance rating will be monitored. In cases resulting in a disciplinary probation, any potential step increase will be withheld until the employee receives a satisfactory rating and funds are available to grant the increase. If the employee serving their performance probationary period fails to meet required standards of performance, he/she shall remain ineligible for a step increase until their next formal, annual performance evaluation and may be subject to disciplinary action pursuant to Subsection 7.7 of this manual.

During the performance probationary period, the employee serving the performance probationary period shall accrue paid leave, both sick and vacation, according to the accrual schedule provided in Subsection 11.4 of this manual. The employee serving a performance probationary period shall be eligible to use and enjoy all benefits and accruals due them during the performance probationary period.

At the end of the performance probationary period, the employee's supervisor and/or Department Head shall re-evaluate the employee pursuant to Subsection 4.4 of this manual. Upon completion of the re-evaluation and any subsequent approvals required, the Department Head shall notify Personnel Services, in writing, that either: (A) the employee has sufficiently improved their performance to a degree warranting a satisfactory performance rating on the re-evaluation and shall be awarded a step increase in pay contingent upon the availability of funds with the step increase to go into effect the first payroll following approval of the re-evaluation by the City Administrator; or (B)

- i. the employee has failed to correct some or all of the performance deficiencies which resulted in the performance probationary period and;
- ii. the performance deficiencies were communicated to them following the evaluation and;
- iii. the employee is to remain ineligible for a step increase in pay until their next formal, annual performance evaluation as well as any additional disciplinary actions to be taken pursuant to Subsection 7.7 of this manual.

## **2.9 EMPLOYMENT OF RELATIVES**

Applicants for any full-time position or vacancy may not be employed if the applicant is related to any full-time employee on the payroll within the same department and under the jurisdiction of the same department head. In this context, related shall mean family as defined in this policy.

If employees in the same department become related to each other after employment begins, it will be necessary for one of those related employees to either resign from their city employment or transfer to another department within the city organization if a position is available and the necessary qualifications are met. The resignation or transfer must occur within thirty (30) days from becoming related.

At no time, may any relative of the City Administrator be employed as an employee of the City of Republic. If during the tenure of the City Administrator, the City Administrator becomes related to an employee within the City, either the City Administrator or the employee will be required to resign their position within thirty (30) days.

In addition, at no given time may more than three members of an immediate family be employed full-time by the City.

This policy is no to be made retroactive and will not affect employment relationships in existence prior to the passage of this policy.

## **2.10 TYPES OF EMPLOYMENT**

Employment in city service shall be full-time, part-time, or temporary/seasonal. Full-time employees have a normal work schedule consisting of a minimum of forty (40) work hours per

week. Part-time employees shall generally have a work schedule consisting of less than forty (40) work hours per week while not exceeding 1500 hours in a calendar year. Department Heads are responsible for establishing work shifts and work schedules for the positions within their department. Certain designated police and fire personnel may have a varying workweek schedule as permitted by the Fair Labor Standards Act (FLSA). Work schedules may change as directed by the City Administrator, Department Heads, or the Fair Labor Standards Board.

## SECTION THREE - POSITION CLASSIFICATION PLAN

### 3.1 PURPOSE

The Position Classification Plan is a systematic method by which positions are categorized according to various attributes of the position, as described in the positions' job descriptions and observed over time, so that positions may be compensated equitably and competitively. The purpose of the classification plan is to provide a means by which positions are compensated appropriately according to their relative value to the operations of the City and the relative intensity of work demands and conditions with the intent to effectively motivate and satisfy current employees as well as successfully attract and retain the highest quality of labor.

All full-time positions of the City, with the exception of those in the unclassified services according to Subsection 1.7 of this manual, are classified according to the methods described herein and each class is assigned to a pay grade within the City's Grade and Step Schedule, which establishes the rate of pay for all positions in the classified services. The classification plan ensures that persons occupying substantially similar positions in the City are compensated on an equitable basis except for pay differences resulting from performance increases.

### 3.2 INTRODUCTION

The Classification Plan utilizes a performance-based pay system approach. The basic performance-based principles are:

- A. Qualified individuals should be recruited from all segments of society. Employee selection and advancement should be determined solely by knowledge and skills, relative ability, and after fair and open competition.
- B. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management regardless of political affiliation, race, color, religion, national origin, veteran status, sex, marital status, age, or disability, and with proper regard for their privacy and constitutional rights.
- C. Equal pay should be provided for work of equal value with appropriate consideration of rates paid by employers in the private sector. Appropriate incentives should be provided for excellent employee performance.
- D. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
- E. The work force should be used efficiently and effectively.
- F. Employees should be retained because of the adequacy of their performance. Inadequate performance should be corrected or the employee should be

disciplined and potentially even terminated if they cannot or will not improve their performance.

- G. Employees should be provided effective education and training.
- H. Employees should be protected against arbitrary action, personal favoritism, or coercion for partisan political purposes.

### **3.3 STRUCTURE**

The Position Classification Plan provides a systematic arrangement and inventory of all positions and groups these various positions into classes indicative of the range of duties, responsibilities, and intensity of work and work conditions. The class titles standardize the utilization of the classifications.

The Classification Plan is divided into the following three (3) components:

#### **A. JOB DESCRIPTION**

An individual description of the duties and responsibilities associated with a specific position. All new job descriptions shall be approved by the City Council. The City Administrator has the authority to make changes to existing job descriptions.

#### **B. POSITION CLASSIFICATION PLAN**

Explains the purpose of the plan, outlines the methodology for its development and provides for the plan's implementation and administration. The Position Classification Plan establishes groupings of positions, which are sufficiently alike with respect to duties, responsibilities, and required qualifications, which can be equitably compensated in the same pay range.

#### **C. COMPENSATION PLAN**

Establishes a pay scale for the compensation of the City's classified positions and institutes a method in which compensation is utilized as an incentive for improved performance.

### **3.4 ESTABLISHMENT**

#### **A. PLACEMENT WITHIN CLASSES**

Classified positions of the City shall fall within the class prescribed by the methods of the Classification Plan. Final decisions with respect to the placement of positions within the Classification Plan shall be made by the City Administrator.

The classification factors used in determining position classes for the City shall be:

1. Knowledge: This factor describes the knowledge necessary to satisfactorily perform the requirements of the job.
2. Effort: This factor describes the physical and/or mental effort associated with the performance of the job.
3. Organizational Responsibility and Control: This factor measures the amount of direct and indirect administrative responsibility involved in each job, as well as the requirement to direct, coordinate, and control the work.
4. Internal Contacts: This factor refers to the extent of interaction with individuals within the organization required for full job performance.
5. Outside Contacts: This factor covers the responsibility for the maintenance of satisfactory personal contact with others outside of the organization. Consideration is given to the nature, importance, and frequency of contacts inherent in the position.
6. Consequences of Action: This factor refers to the impact of routine job actions on the organization.
7. Difficulty of Decision Making: This factor measures the difficulty of decision making through consideration of:
  - a. The amount of precedent available to aid in solving a problem;
  - b. The number of available alternatives and the relative ease with which they can be identified;
  - c. The merits and demerits of each alternative; and,
  - d. The likelihood of the occurrence of new and unforeseen circumstances.
8. Decision Making Authority: This factor measures the degree of authority for making decisions: both the discretion required to make the decision and the decision review process.

All factors shall be used to determine the internal value of positions; however, the external market for such positions must also be evaluated by survey and comparison.

#### B. NEW POSITIONS

New positions created by the City for which an official job description has been approved by the City Council shall be included within the appropriate class according to the methods prescribed by this Classification Plan.

No one shall be employed by the City to fill a classified position outside of the classes established by the Classification Plan, until such class and corresponding pay grade has been officially established according to the methods prescribed herein.

### **3.5 MAINTENANCE OF THE POSITION CLASSIFICATION PLAN**

The City Administrator is charged with the maintenance of the Classification Plan. It is the City Administrator's duty to examine the nature of new positions as they are created and to include them in the Classification Plan, and to periodically review the entire Classification Plan and the classes established accordingly and recommend appropriate changes in allocations or in the Classification Plan to the Mayor and the City Council.

#### **A. RECLASSIFICATION**

Reclassification may occur under the following situations:

1. When the duties and/or responsibilities of a position have changed substantially and identifiably as to kind or intensity of work or work conditions, the Department Head shall be responsible for informing the City Administrator. Analysis of the classification factors enumerated in Subsection 3.4 of this manual shall determine whether the position has changed sufficiently to warrant reclassification, subject to reconsideration procedures herein.
2. An employee may request that their Department Head review a job description in light of any substantial and identifiable changes in the duties and/or responsibilities of their position as to kind or intensity of work or work conditions or for any other legitimate reason.
3. The City Administrator may review a position or group of positions and their respective job descriptions. The review to be made and any proposed amendments with regard to position classification or to the City's pay scale, shall conform to the principle that personnel having essentially the same or substantially similar presence of the classification factors enumerated in Subsection 3.4 of this manual shall be included within the same class. Subsequent amendments shall be submitted whenever factual information indicates the necessity for changes in the Classification Plan and the classes formed in accordance with that plan.

When a reclassification is approved, the employee occupying the reclassified position shall have their pay adjusted to the pay grade which corresponds to the class that the position was reclassified to. The step at which the employee's pay will be reset to in the new grade will be determined pursuant to Subsection 4.3 of this manual.

#### **B. CREATING AND ADDING A POSITION**

The City Administrator or a Department Head may determine the need to add a position based on review of the City's organizational structure, staffing requirements and workload. The

Department Head should initiate the process by completing the Request to Add a Position Form. The Department Head will work with the City Administrator to ascertain the appropriate duties, responsibilities, minimum education and work experience requirements, etc. in the formulation of a job description for the position and the position's classification and consequential pay rate. In addition, the Department Head will determine that budgetary considerations allow for adding the position before being forwarded to the City Administrator for approval.

#### C. TEMPORARY ASSIGNMENT

On occasion, it may be necessary to assign an employee the duties of a second position while also fulfilling the duties of the employee's current position. The assignment shall be in writing with special instructions as needed. A copy of the assignment will be provided to the appropriate city staff for record keeping purposes. In these cases, additional compensation may be authorized if:

1. The second position assigned to is a valid position with an approved Job Description already in place.
2. The employee serves in this capacity for a period of ninety (90) consecutive work days.

#### D. UPDATING JOB DESCRIPTIONS

It is common over time that positions will change substantially with respect to the duties, responsibilities, and nature of the work performed. These changes may occur incrementally and gradually, suddenly and extraordinarily, or somewhere in between. In any event, it will be necessary to periodically review the various job descriptions of the City's many positions to ensure that the descriptions continue to accurately and precisely describe the actual duties, responsibilities, and other attributes of the position. To achieve this end, it will be the responsibility of the City Administrator and the various Department Heads to ensure that job descriptions are periodically reviewed and updated as substantial and identifiable changes to positions occur. The City Administrator may, from time to time, cause or require a review and update of some or all of the City's job descriptions for these purposes.

## **SECTION FOUR - COMPENSATION PLAN**

### **4.1 COMPENSATION**

The Compensation Plan includes the basic wage and salary schedule as adopted by the City Council and subsequent amendments thereto, and the schedule of salary ranges consisting of minimum and maximum rates of pay and intermediate steps, if any, for all of the classified services.

### **4.2 PURPOSE AND DESCRIPTION**

The Compensation Plan shall apply to all of the classified services. The purpose of the Compensation Plan shall be to provide and maintain a uniform, equitable system of compensation that will also enable the City of Republic to recruit and retain capable employees.

#### **A. PURPOSE**

The Compensation Plan shall be designed to provide the following:

1. Relatively equitable compensation for equitable work.
2. Reflect changes in market conditions requiring adjustments in compensation.
3. Establish pay and fringe benefits comparable to public and private employers in the appropriate labor market.

#### **B. SALARY SURVEYS/COST OF LIVING ADJUSTMENTS (COLA)/PAY PLAN CHANGES**

1. Every three (3) years, and at other times when necessary, the City Administrator shall cause a salary survey to be conducted in the appropriate labor markets to determine comparable and competitive wage levels.
2. An analysis of variation of the cost of living shall be completed annually for consideration and recommendation to the Mayor and City Council based upon a standard recognized index such as the Consumer Price Index (CPI) as provided by the United States Bureau of Labor Statistics. If approved by the City Council during the budget process, the recommended Cost of Living Adjustment (COLA), will increase the pay rates in the City's Step and Grade Schedule by the amount of the COLA. Adjustments, if any, will be based on availability of funds.

3. The City Administrator may propose to the Mayor and City Council recommended changes in the City's Compensation Plan and the City's Step and Grade Schedule whenever such changes are deemed necessary.

C. COMPENSATION PLAN

The Compensation Plan and related fringe benefits shall be established by City Council action during the annual budget process, or at such other time as may be appropriate. The Compensation Plan may be changed annually to conform to the City's budget.

**4.3 PAY RATES**

A. ORIGINAL APPOINTMENT

1. No employee filling a classified position shall be assigned to a salary grade out of conformance with the City's Compensation Plan and the City's approved Step and Grade Schedule.
2. Every original appointee shall begin their municipal service with a pay rate equal to the beginning rate of the first step of the pay grade for the class in which the particular position has been classified according to the Classification. Any deviation from this policy for purposes of recruiting experienced employees must have the express, written approval of the City Administrator.

B. PROMOTION

When an employee receives a promotion, as defined herein, the employee's rate of pay shall be changed as follows:

1. If the employee's pay rate in their former position is below the beginning rate of the first step of the pay grade corresponding to the class of their new position, the employee's pay rate shall be increased to the beginning step of the pay grade corresponding to the class of their new position or to the step in that grade that effects a minimum of a three percent pay rate increase from the pay rate in their former position.
2. If the employee's pay rate in their former position is within the range of the pay grade corresponding to the class of the position to which the employee has been promoted, the employee's pay rate shall be established in that step of that grade which will result in an immediate increase in pay rate so that the resulting pay rate effects a minimum of a three percent pay rate increase from the pay rate in their former position.

C. TRANSFER

Employees that are transferred, whether voluntarily or involuntarily, shall be paid at the rate of pay equal to their present pay rate.

D. RECLASSIFICATION

Changes in the nature of a position may require a position to be reclassified to a lower or higher class and corresponding pay grade.

Employees occupying positions that are reclassified shall have their pay rate established in that step of that grade corresponding to the position's new class resulting in the least amount of variation in rate provided that the change in rate not effect a decrease in pay rate.

E. DEMOTION

1. Employees demoted for reasons consistent with those listed as reasons A, B, or C in Subsection 5.3 of this manual shall have their pay rate established in the first step of that grade corresponding to the class in which the position the employee was demoted to is classified.
2. Employees demoted for reasons consistent with those listed as reason D in Subsection 5.3 of this manual, shall be placed at a step level in the new position calculated to result in the least possible reduction of pay. Any deviation from the provisions of this paragraph may be granted with written approval from the City Administrator.

**4.4 EMPLOYEE PERFORMANCE EVALUATION/APPRAISAL**

All employees of the City are expected to work efficiently and harmoniously and to meet the requirements and standards of their position. During their employment with the city, your direct supervisor and/or Department Head will evaluate your work performance on an annual basis. He or she will undertake a formal review of your work performance, giving consideration at each review to requirements of your positions, the specific projects assigned to you during the evaluation period, and your overall performance during that period.

A. PURPOSE

The primary purpose of the City's performance evaluation program is to afford supervisors a job-related tool to:

1. Evaluate employee performance on a formal and periodic basis.
2. Promote common understanding of individual needs, work objectives, and acceptable performance standards.

3. Provide employees with feedback on how well they are meeting the expectations of their position.
4. Suggest specific courses of action the employee can take to meet or exceed the requirements of their position.
5. Facilitate valuable dialogue among employees and their supervisors so that there is common understanding as to how the supervisor can help employees achieve personal growth and development.
6. Identify employee training and development needs.
7. Provide a continuous record of an employee's performance history.
8. Guide administrative decisions regarding promotions, reassignments, disciplinary actions and dismissals.
9. Provide a uniform and consistent manner in which employees can be evaluated for performance on a fair and equitable basis.

#### B. FREQUENCY

Employees shall receive a formal performance appraisal/evaluation on an annual basis. Employees serving any form of probationary period shall receive a formal evaluation prior to the end of the probationary period and prior to the end of the extension of their probationary period as described in Subsection 2.8, if necessary.

Personnel Services will notify the Department Heads when each of the department's employees is due an annual performance appraisal. It is the responsibility of the Department Heads to ensure that performance evaluations are conducted properly and in a timely manner.

#### C. RATING

An employee's performance rating shall be confidential and shall be conducted in a private conference between the employee and the Department Head and/or the designee (usually the employee's immediate supervisor) who is most aware of the employee's work performance during the evaluation period.

The employee shall be informed of specific points of deficiency, if any, in the performance of the employee's duties, the fulfillment of the employee's responsibilities, and the overall conduct of the employee in the performance of the employee's work. Additionally, where deficiencies in performance exist, it shall be the responsibility of the evaluating person(s) to provide specific points of advice, direction, and tactics that can help the employee enhance the performance in relation to the aforementioned points of deficiency.

The employee shall also be informed of specific points of proficiency, if any, in the performance of duties, the fulfillment of responsibilities, and the overall conduct of the employee in performance of their work. These points of proficiency should be encouraged so that they may continue and effect enhanced performance in other areas of work.

The City Administrator shall review the evaluation and place it in the evaluated employee's personnel file. An employee who disagrees with the performance rating given them may make a written statement outlining the reasons for disagreement and these disagreements shall become a permanent part of the evaluation.

#### D. EVALUATION FORMAT

Department Heads shall be responsible for the creation of formal performance evaluation/appraisal formats for his/her departments, subject to the approval of the City Administrator. The format of a performance evaluation may differ among positions within a department, but shall adhere to the following in the formulation of the evaluations:

1. Every department shall use an evaluation form designed to provide a clear and defensible measure of performance, referred to as the performance rating. Performance evaluations must clearly indicate the employee has met one of the following categories: *Outstanding Performance, Above Average Performance, Satisfactory Performance, Below Average Performance, Unacceptable Performance*, as those terms are defined herein.
2. Every evaluation shall be designed to accurately rate the employee based on those duties and responsibilities outlined in the job description for his/her position. Any additional duties or assignments that have been formally assigned to the employee (in writing) that have been completed during the evaluation period should also be included in the evaluation rating.
3. Every evaluation shall be reviewed with the employee being evaluated. The evaluation worksheet shall include the employee's name, position, the date of the evaluation, the evaluation period, and the overall performance rating. Additional information necessary to accurately convey the reasoning and any evidence supporting the final performance rating shall be included as well as what further actions are to be completed (e.g. step increase awarded, step increase withheld, disciplinary probation, etc.) In cases where an employee is placed on disciplinary probation and/or has the step increase withheld, documentation shall be included with the evaluation that explains the areas of performance deficiency and what action or improvements are needed.

4. Every employee that has been given a formal performance evaluation for any reason shall receive a copy of the evaluation worksheet and other attached documentation as approved by the City Administrator. All approved documentation shall be placed in the employee's permanent personnel file.

#### **4.5 PERFORMANCE PAY INCREASES**

##### **A. STEP PROGRESSION**

On an annual basis and in conjunction with the employee's formal, annual performance evaluation, an employee may be eligible to receive a step increase in his/her grade. Step increments are not automatic or based on years of service, but are contingent upon the results of the employee's formal, annual performance appraisal. Employees who have reached the final step in the pay grade to which the position has been classified are not eligible to receive a step increment.

In instances where an employee receives a less than satisfactory rating, that individual will not be eligible to receive a step increase until a satisfactory rating is attained following the successful completion of a disciplinary probation period, pursuant to Subsection 2.8 - C. If a satisfactory rating is still not attained following the performance probationary period, the employee will not be eligible for a step increase until their next annual performance appraisal. The awarding of a step increase following a satisfactory rating achieved on re-evaluation after a performance probationary period will not be paid retroactively.

Any form of performance pay increase is subject to availability of funds and other fiscal constraints on the City's finances. When performance pay increases are authorized by a Department Head and approved by the City Administrator, the Department Head shall submit a request for the increase, in writing, to Personnel Services. Performance pay increases awarded in this fashion shall take effect pursuant to a written policy established by the City Administrator.

##### **B. FACTORS THAT ADVERSELY AFFECT ELIGIBILITY FOR A STEP INCREASE**

The following are reasons an employee may not receive a step increase:

1. An employee serving a performance probationary period.
2. An approved performance rating of less than satisfactory.
3. A pay rate equal to the final step in any pay grade.
4. A decline in revenue intake that forces budgetary restrictions.
5. Other factors as determined by City Council.

### C. EXTRAORDINARY PERFORMANCE AWARD

Employees performing at exceptional and extraordinary levels may be eligible to receive an Extraordinary Performance Award for their outstanding work and effort. An Extraordinary Performance Award is a one time monetary award given to an employee or several employees in a fiscal year as recognition for exceptional work performance. No employee shall receive more than one (1) Extraordinary Performance Award in any fiscal year. All full-time employees who are not serving in their initial probationary period are eligible for an Extraordinary Performance Award. The amount of the award, the frequency of occurrence, and the number of awards available shall be subject at all times to the availability of funds for that purpose.

At any time throughout a given fiscal year, the various Department Heads may submit nominations for an Extraordinary Performance Award to the City Administrator. Such nominations shall be in writing and shall include an explicit description of how, citing specific examples, the employee has satisfied some or all of the following forms of exceptional performance:

1. Extraordinary and unique innovation in work tools or processes that has resulted in substantial and identifiable increases in efficiency, effectiveness, and quality of service.
2. Performing an act of great personal sacrifice in a selfless and courageous effort to preserve the life or property of others.
3. Exceptional performance in the accomplishment of a task or project resulting in substantial financial savings or gains for the City.
4. Going above and beyond the minimum requirements of the position on a regular basis and in a manner consistent with those behaviors, attitudes, and accomplishments deserving of special recognition for distinguished performance.

All Extraordinary Performance Awards given in any one (1) fiscal year shall be equal in amount. The amount shall be determined by the City Administrator and is at all times subject to the availability of funds and other fiscal constraints on the City's finances. An Extraordinary Performance Award shall never result in an increase in the employee's regular rate of pay. Instead, all Extraordinary Performance Awards shall be given in a single lump sum and by a method of payment approved by the City Administrator and consistent with all applicable state and federal laws.

The Department Head, with the approval of the City Administrator, will have the discretion of issuing the Extraordinary Performance Awards for individuals within the department. The existence of one or more nominations is not a guarantee that an Extraordinary Performance Award will be given.

#### D. ON-THE-SPOT AWARDS

An On-the-Spot award is an action taken to recognize and reward individual or team achievement that contributes to meeting city goals or improving the efficiency, effectiveness, and economy of the City. On-the-Spot awards can be given in the form of money or time-off without loss of pay or accrued leave. On-the-Spot awards can be given to an employee as an individual or as a member of a team or group.

The City of Republic recognizes that awards can be an effective tool to improve operations, increase productivity, achieve city goals and initiatives, and improve service to the public. There are many ways to acknowledge an employee's accomplishment or effort. A letter of appreciation or a verbal "thank you" given to an employee in the presence of peers are equally effective methods of recognizing employee efforts. Managers and supervisors are encouraged to recognize the contributions of their employees. Employees need to know that their special efforts and hard work are appreciated.

An On-the-Spot award is a one-time award that can be granted to an employee for: (a) a non-recurring contribution either within or outside of job responsibilities; (b) for sustained superior achievements in accomplishing performance objectives of the position for a minimum period of time of 90 days; (c) for a suggestion or a proposed solution to a problem that will save money, manpower, materials, equipment, or supplies or that contributes directly to the productivity, economy, efficiency, and effectiveness of carrying out a program or mission of the City. The awarding of an On-the-Spot award during a calendar year shall not preclude an employee from being eligible for an Extraordinary Performance Award for a separate activity.

Recommendations for an On-the-Spot award may be made by the employee's direct supervisor or the Department Head. Recommendations shall be made in writing using the On-the-Spot recommendation form and shall describe, in detail, the act or performance deserving of an On-the-Spot award. Upon Department Head approval, a copy of the signed and approved recommendation form must be submitted to Personnel Services for processing. For On-the-Spot awards to be most effective and motivating to employees, it is necessary that the nominations for an On-the-Spot award be made in as close proximity in time as possible to the occurrence of the event prompting the recommendation.

When funds are available and recommendations for On-the-Spot awards have been accepted and approved, a Personnel Services Representative shall submit the recommendation forms to the Executive Management Team for approval. The EMT shall deliberate and either approve or deny recommendations for On-the-Spot awards at least once a month.

In determining whether an employee's contribution or performance is so superior or meritorious that it warrants special recognition in the form of an On-the-Spot award, consideration should be made for: (1) the importance of the contribution to the organization; (2) the amount of independent thought, unusual insight, imagination, or

effort involved; (3) the impact or benefit derived from the contribution; and (4) any other forms of compensation the employee may receive.

On-the-Spot awards may be given in the form of money or paid time-off without loss of accrued leave. If given in the form of time-off, the time-off shall be granted in one (1) hour increments and shall not exceed eight (8) hours for any single award. If the employee prefers to receive monetary compensation in lieu of the time-off, that employee may be granted a cash payment equal to \$15.00 for each hour of time-off that would have been given with a maximum of \$120.00 for any single award. The Department Head may override an employee's request for either money or time-off in exchange of the other where there is good cause for doing so. The number of hours to be taken off and/or the amount of the monetary award shall be specified on the On-the-Spot recommendation form when submitted to Personnel Services. Recommendation forms may be obtained from Personnel Services for distribution to supervisors.

On-the-Spot awards are at all times subject to the availability of funds and other fiscal constraints on the City's finances. An On-the-Spot award shall never result in an increase in the employee's regular rate of pay. Instead, all On-the-Spot awards in the form of monetary compensation shall be given in a single lump sum and by a method of payment approved by the City Administrator and consistent with all applicable state and federal laws. All On-the-Spot awards given in the form of time-off shall be taken within three (3) calendar weeks of receipt of the award. All leave taken shall require prior approval of the Department Head and shall be duly noted on the employee's time sheet or record.

#### **4.6 PAY AND RELATED PROCEDURES**

##### **A. FLSA STATUS AND OVERTIME**

An employee's wages for time worked may be accumulated or calculated according to two primary methods: hourly or salary.

Hourly employees are paid a given pay rate, as determined pursuant to the Compensation Plan, for each hour worked for the City. Non-emergency services personnel paid on an hourly basis are required to track and record hours worked by utilization of time clocks located in each department. Work assignment and location may prevent an employee from utilizing the time clock and the hours worked may be written on the time card and initialed by the employee's supervisor. Emergency Services Personnel paid on an hourly basis are required to submit a "time sheet" at the conclusion of each pay period specifying the total number of hours worked in that pay period. Every employee paid on an hourly basis is governed by FLSA requirements as a non-exempt employee as it relates to overtime.

Salary employees are paid a given pay rate, as determined pursuant to the Compensation Plan. Employees paid on a salary basis may be required to track and record hours worked according to their respective department's policy, however, in no case shall an employee not be required to submit a "time sheet" at the conclusion of each

pay period. Certain employees paid on a salary basis may be exempt from the requirements of the FLSA.

Personnel Services shall periodically analyze positions compensated by salary to determine whether they qualify for FLSA exempt status. Exempt employees are not eligible for overtime pay.

Overtime may be required when necessitated by business operations. If asked to work overtime, employees will be expected to cooperate. Non-exempt employees are eligible to receive overtime pay at a rate in accordance with the Fair Labor Standards Act for all hours worked in excess of forty (40) hours in any work week, excluding meal periods and paid leave, unless otherwise required by law. All overtime worked by FLSA non-exempt status employees must be approved by that employee's supervisor.

#### **B. PAY PERIODS AND PAY CHECKS**

The work week runs from Sunday to Saturday of each week. Two work weeks constitute a payroll period. Employees will be paid on a bi-weekly basis on each subsequent Thursday following the completion of the two week pay period. If the normal payday should fall on an authorized holiday, payday will be on the last workday prior to the holiday. Your paycheck will reflect compensation for the entire pay period less deductions.

#### **C. DEDUCTIONS FROM YOUR PAYCHECK**

Deductions will be made from your paycheck as required by law (including federal and state withholdings, the employee's portion of Social Security contributions, any garnishments, or any other deduction required by law) or, as applicable, any contributions to the City's Lagers retirement system, health insurance, ICMA, or cafeteria plan.

#### **D. TIME ON-CALL**

In the Public Works Department, it is necessary to have an employee(s) that is assigned for a period of time to be "on-call" for emergency responses. This on-call policy has been established to ensure that city employees working within certain divisions of the Public Works Department are available to respond to the possible emergencies that may threaten the welfare of the City of Republic.

The Public Works Director shall determine the period of time it is necessary to have an employee on-call. On-call status shall not prevent an employee from coming and going freely within the normal daily routine as long as they can fulfill the response time criteria established by departmental policy. Each employee on-call shall leave a telephone number where they can be reached if they are away from their normal point of contact. The on-call employee may be required to carry a pager or cell phone to expedite communication.

To prevent conflicts while on-call, full-time employees of the City of Republic, who also serve in volunteer or reserve positions within emergency service organizations (i.e. reserve firefighters, auxiliary patrol officers, or EMA), will not be allowed to respond to calls for emergency service, except in time of extreme needs or emergencies.

An employee required to go off on-call status for a personal emergency is responsible for the following:

1. Contacting their immediate supervisor;
2. Making a legitimate attempt to find an employee to replace them for the remainder of the on-call shift;
3. Providing the cell-phone to the employee who has replaced them; and
4. Notifying the Republic Police Department of the personnel change.

On-call pay will cease for employees who are required to leave for personal emergencies at the time they leave their shift. Employees that are required to complete the on-call shift will receive payment starting at the time they go on-call and will end upon completion of the on-call shift.

On-call employees will be compensated at a rate determined by departmental policy and approved by the City Administrator. Scheduling of on-call shifts will be determined by the Public Works Director and/or his or her designee at such times as is necessary to ensure appropriate shift coverage and availability of staff.

#### E. HOLD-OVER TIME

When a situation arises that prevents an employee from completing a work assignment within the scheduled work hours for that day, the Department Head or Division Supervisor may require the employee to remain on the job site to complete the work assignment. When this is required, the time worked shall be paid at one (1) and one-half (1/2) times the employee's current rate of pay.

Hours worked in excess of the regularly scheduled work hours for that day that are additional hours worked to make-up missed work time due to emergency conditions, as described in Subsection 11.2, shall not be counted as hold-over time.

#### F. Call Back

Situations occasionally arise when it becomes necessary to "call back" a non-exempt employee after the regular scheduled workday is completed or whenever a non-exempt employee is assigned to work an additional unscheduled shift on their regular day off to properly staff the department, that employee shall receive one (1) and one-half (1/2) times the regular hourly rate. Department Head shall have the discretion of establishing a minimum standard for call back time.

## **SECTION FIVE - CHANGE IN EMPLOYMENT STATUS**

### **5.1 PROMOTION**

A promotion is the appointment of an employee to a position within a class and corresponding pay grade higher than that of their former position. Pursuant to the prescribed selection procedures in this manual, when qualifications are equal, city employees will receive preference in filling a position vacancy, which may often result in the promotion of a city employee.

A promoted employee shall be advanced to the pay grade corresponding to the class of their new position and their pay rate increased according to the method prescribed in Subsection 4.3 B of this manual.

When applicable, employees being promoted to a new position must return to the department or division they are leaving, all uniforms, tools, keys, credit cards, and other materials before beginning their new duties.

### **5.2 TRANSFER**

A transfer is the appointment of an employee to a position within the same class and corresponding pay grade as that of their former position.

A voluntary transfer will be initiated through the posting of a position vacancy and the completion of the job application and other applicable selection procedures prescribed in Section 2 of this manual.

An involuntary transfer does not require the completion of a job application but does require the approval of the City Administrator.

When applicable, employees being promoted to a new position must return to the department or division they are leaving, all uniforms, tools, keys, credit cards, and other materials before beginning their new duties.

A transferred employee shall receive compensation pursuant to the requirements of Subsection 4.3 - C of this manual.

### **5.3 DEMOTION**

An employee may be involuntarily demoted to a position for which the employee is qualified with the approval of the Department Head and the City Administrator, for any of the following reasons:

- A. The employee does not possess the necessary qualifications, including certifications or licensing, to render satisfactory service or satisfy requirements of the work in the position the employee holds;

- B. The employee's unacceptable actions or behaviors are such that the employee can no longer perform the full requirements of the job, or it is for the good of the City for that employee to be assigned to a job with fewer responsibilities;
- C. For unsatisfactory performance;
- D. For the increased efficiency of city operations.

A demoted employee shall receive compensation pursuant to the requirements of Subsection 4.3 - E of this manual.

Upon involuntary demotion, the employee shall receive written notice, including the reasons for such action and if the demotion is based upon unacceptable action or behaviors, the procedures set out in Subsection 7.10 are to be followed and the employee may appeal any procedural defect in the proceeding pursuant to the provisions of Subsection 7.12.

When applicable, employees being demoted to a new position must return to the department or division they are leaving, all uniforms, tools, keys, credit cards, and other materials before beginning their new duties.

#### **5.4 SUSPENSION**

A Department Head may, with approval of the City Administrator, for disciplinary reasons, suspend any employee under the Department Head's jurisdiction, without pay, for repeated instances of misconduct resulting in unacceptable conduct or behavior. Suspensions shall not exceed thirty (30) calendar days for any one (1) offense and shall not be imposed for an indefinite period of time.

If an employee's behavior or actions are such that the continued presence of that employee in the workplace is not in the City, the public, or the employee's best interest, then that employee may be suspended with or without pay pending the outcome of an internal investigation relating to the violation. Under these conditions, a Department Head shall have the authority to make these types of suspensions; however, immediately upon suspending the employee, the Department Head shall notify the City Administrator. As soon as possible, the employee shall be presented with adequate notice of a Fact Finding Administrative Hearing.

NOTE: Suspensions with pay pending the outcome of the investigation are not disciplinary suspensions. If the outcome of the investigation leads to a disciplinary action then it is possible to become a suspension without pay.

Upon disciplinary suspension without pay the employee shall receive written notice including reasons for such action and the procedures set out in Subsection 7.10 are to be followed and the employee may appeal any procedural defect in the proceeding pursuant to the provisions of Subsection 7.12.

## **5.5 DISMISSAL/TERMINATION**

Depending upon the severity or frequency of work rule violations, undesirable behavior, inability to satisfactorily perform the duties of the position, or for failure to obtain required certification or licensing, a Department Head, with written approval of the City Administrator, may dismiss any city employee for any lawful reason. Dismissed employees shall receive their final paycheck within seven (7) business days of separation from service and, subject to the return of all equipment furnished by the City including uniforms, tools, keys, credit cards, and other materials.

Upon dismissal, the employee shall receive written notice including reasons for such action and the procedures set out in Subsection 7.10 are to be followed and the employee may appeal any procedural defect in the proceeding pursuant to the provisions of Subsection 7.12.

## **5.6 LAYOFF**

An employee who has been laid-off due to the lack of work, the lack of funds, other changes in the organization of the city, or for other related reasons, shall receive written notice for such action. Employees who have been laid-off from city service shall be considered to have separated from city employment in good standing and shall receive payment for accrued vacation time not to exceed the accrual maximum subsequent to their separation from the City.

When qualifications are equal, employees who have been laid-off from city service shall receive preference in selection if such person(s) make application for a vacant position in the city for which they are qualified within one (1) calendar year from the date of separation from the City.

Subject to the availability of funds, full-time employees who have been laid-off may be eligible to receive severance pay and a limited extension of benefits. The City Administrator and/or his/her designee shall have the authority to approve or deny severance pay and benefits extensions, provided that sufficient funds are available for that purpose.

Employees who have been laid-off from the city service shall receive their final paycheck within seven (7) days of their last day of employment in city service and, subject to the return of all equipment furnished by the City including uniforms, tools, keys, credit cards, and other materials.

## **5.7 ABANDONMENT**

All employees of the City shall be on duty at the times indicated by the departmental rules under the conditions of their employment. Employees who fail to properly notify their supervisor that they are absent from work for one (1) day or less shall be deemed to be taking this time off voluntarily without pay. With the recommendation of the Department Head, employees who fail to properly notify their supervisor of their absence from work for two (2) consecutive work days may be deemed to have voluntarily resigned their position without notice. Proper notice is defined in Subsection 7.6 of this manual.

## **5.8 RESIGNATION**

Employees must provide a minimum notice of 10 business days by written notice of resignation. Employees must work the entire period between the time of notice and the date of separation specified in the written notice of resignation and cannot shorten the available working time by using personal time, sick or vacation leave. The time period between the submittal of the written notice and actual separation from employment may be shortened with the approval of the City Administrator.

Employees are considered to have separated from city service in good standing if they meet the requirements described herein for notice of resignation and are not involved in a disciplinary issue at the time of resignation.

Employees that resign from their position with the City shall receive their final paycheck no later than the last day of the next regular pay period following their last day of employment in the city service and, subject to the return of all equipment furnished by the City including uniforms, tools, keys, credit cards, and other materials.

## **5.9 RETIREMENT**

Employees that retire from their position with the City shall receive their final paycheck no later than the last day of the next regular pay period following their last day of employment in the city service and, subject to the return of all equipment furnished by the City including uniforms, tools, keys, credit cards, and other materials.

Employees retiring from the city service and who have provided adequate notice of the date of their separation shall be considered to have separated from city service in good standing.

## **5.10 MISCELLANEOUS PROVISIONS**

Employees being separated from City service shall have any outstanding balances owed to the City or its benefits providers withheld from their final paycheck.

## **SECTION SIX**

**RESERVED FOR FUTURE USE**

## SECTION SEVEN - RULES AND DISCIPLINE

### 7.1 DISCIPLINE

Discipline is primarily the employee's self control to meet organizational standards, expectations and objectives. Discipline is developed by both management and employees. Management is primarily responsible for developing and maintaining clear standards expected of employees and communicating them so that everyone understands.

When work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, supervisors should take immediate steps to bring about improvements.

### 7.2 POLICIES AGAINST DISCRIMINATION

#### A. NON-DISCRIMINATION

The City intends to abide by all laws, which prohibit discrimination against employees, prospective employees, or applicants for employment by reason of any protected status under the law. We ask all employees to assist us in achieving this goal of non-discrimination. This requires all of us to adopt and use a proper attitude toward all individuals regardless of any person's race, color, religion, national origin, veteran status, age, gender, disability, or other protected status under the law.

Employees are not to be discriminated against on the basis of race, color, religion, national origin, veteran status, age, gender, disability, use of leave protected by the Family and Medical Leave Act or other protected status.

#### B. DEFINITION OF DISCRIMINATORY HARASSMENT

Discriminatory harassment is unwanted or unwelcome treatment, related to any protected characteristic, where such treatment is made either as a term or condition of employment, the basis for an employment decision, or where the treatment creates an intimidating, offensive or hostile working environment.

Discriminatory harassment does not refer to behavior or comments of a socially acceptable nature. Legally prohibited behavior, which will not be tolerated, constitutes treatment so severe, or so pervasive, that it interferes with an employee's ability to perform his or her job.

Discriminatory harassment includes all forms of inappropriate behavior: Examples of inappropriate behavior include, but are not be limited to:

Verbal behavior: such as requests for sexual favors; sexual innuendoes; sexually implicit or explicit jokes; commentary about an individual's body, sexual prowess or sexual deficiencies; repeated sexual oriented kidding, teasing, or jokes, flirtations, advances, or propositions;

Non-verbal behavior: such as sexually suggestive objects or pictures; suggestive or insulting sounds, leering, whistling; obscene gestures or use of e-mail or other electronic means for such inappropriate conduct;

Physical behavior: such as unwanted physical contact including touching, pinching, intentionally brushing against another's body, coerced sexual intercourse, assault.

Examples of other kinds of discriminatory harassment include: Slurs, epithets, negative stereotyping, racial or ethnic jokes; threatening, intimidating or hostile acts based on protected categories (e.g. race, color, gender, religion, national origin, age, disability, etc.)

All of the above examples of discriminatory harassment are unacceptable in the workplace and in other work-related settings such as business trips and business-related social events, as well as non-work settings if the conduct affects the work relationship. Each offense will be investigated thoroughly and in no way is this list intended to be all inclusive.

#### C. NON-RETALIATION

No employee shall be retaliated against in connection with job opportunities or employment status by reason of that employee having filed a workers' compensation claim, a claim of discrimination with any public authority or with any supervisor of the City, or a complaint as to the safety practices of the City.

#### D. INAPPROPRIATE BEHAVIOR

Inappropriate behavior refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, damages working relationships, or that interferes with work effectiveness. Inappropriate behavior may be overt or subtle. Inappropriate behavior may also be an attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors.

The City will not tolerate any form of inappropriate behavior or any offensive conduct that has the effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

To avoid problems in this area, all employees are urged to refrain from jokes, remarks, or statements which are inappropriate in nature or which tend to degrade an individual by reason of that person's gender. Please refer to Subsection 7.3 below for a detailed discussion of the City's Sexual Harassment Policy.

#### E. SPECIAL DISCRIMINATION COMPLAINT PROCEDURE

In addition to the grievance adjustment procedures set forth in this manual, any employee who believes that he or she has been the victim of discrimination, harassment, or mistreatment in any way by reason of a protected status, or who believes any other

individual has been a victim of such mistreatment, is encouraged to promptly call such matter to the attention of either the employee's immediate supervisor or to higher supervision or City Administrator. This is a duty which all employees must undertake together to prevent or correct any improper conduct or statement. If an employee believes that they are the victim of such mistreatment, they are expected to report it to their immediate supervisor or in cases where that immediate supervisor may be an offender, to the next higher level of supervision or the City Administrator as soon as possible. All employees are expected to cooperate in any investigation of any such complaint or claim of discrimination or harassment. Any person who makes a complaint will be protected by management from any retaliation by reason of having made that complaint or report.

### **7.3 INAPPROPRIATE BEHAVIOR POLICY**

The Equal Employment Opportunity Commission (EEOC) has issued guidelines on the inappropriate behavior of sexual harassment (as defined below). Sexual harassment or gender-based harassment is considered a form of sex discrimination and therefore would constitute a violation of the City of Republic's standard policy on non-discrimination. Accordingly, such harassment by any employee or non-employee (customer, vendor, etc.), and in whatever form, is not acceptable behavior and each of us is responsible, to the extent of our ability, for preventing any sexual harassment from occurring.

#### **A. DEFINITION**

The guidelines provide that harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964 as amended.

Inappropriate behavior may be either physical or verbal in nature. Three (3) separate criteria are set forth for determining whether an action constitutes unlawful behavior:

1. Submission to the conduct is either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; and,
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

#### **B. GENERAL**

An employer is considered responsible for the same acts of their supervisory employees regardless of whether the acts were forbidden by the employer and regardless of whether the employer knew or should have known of the acts.

With respect to employees, other than supervisors, the employer is considered responsible for acts of sexual harassment in the workplace when his supervisory employees knew, or should have known of such conduct. An employer may only rebut liability for such conduct of non-supervisory employees by showing that it took prompt and appropriate corrective action.

#### C. STEPS FOR SUPERVISORS TO TAKE IF INAPPROPRIATE BEHAVIOR IS WITNESSED

If a supervisor observes any employee, customer or vendor making an improper action toward an employee, the supervisor should:

1. Warn the offending person not to let such actions take place again.
2. Inform the offending person that they will be reported to the City Administrator.
3. Document the incident.
4. Report to City Administrator.

#### D. COMPLAINT PROCEDURES

The City of Republic is required to investigate any form or complaint of harassment in a timely and confidential manner. Employees should report all instances of harassment to their supervisor or the City Administrator including any witnessed harassment.

The City Administrator shall investigate thoroughly and respond to the appropriate parties as soon as possible, usually within fifteen (15) calendar days. All employees are expected to cooperate in an investigation of any type of harassment. Failure to do so may lead to discipline, including termination. Intentionally providing false information in the course of an investigation may lead to discipline, including termination. Information provided by an individual will be treated as confidential and will only be used for the purpose of investigating a complaint. The response to the party who witnessed the harassment shall be general in nature and will not divulge the incident or contents of the investigation, parties involved, or the results of the investigation.

All complaints will be treated with the utmost confidence consistent with resolution of the problem. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action, up to and including termination, will be taken.

If employees have questions or encounter any situations which they believe are prohibited by city policy or the EEOC guidelines on harassment, they are encouraged to immediately contact the City Administrator for assistance.

No employee will be subject to any form of retaliation or discipline for pursuing a harassment complaint.

#### **7.4 TOBACCO USAGE**

Tobacco use is prohibited within all city buildings and within all city vehicles. Smoking areas will be at least five feet from any entrance to a building or at least ten feet from any bay or garage door. Employees who choose to smoke should not interfere with people entering or exiting the building and at all times should provide a smoke-free path to the doorway. In no case, shall tobacco use be allowed around any main entrance to any city building. "Tobacco or tobacco product" includes: cigarettes, cigarette papers, clove cigarettes, cigars, pipes, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine such as E-Cigarettes except for tobacco cessation products. Tobacco use includes, but is not limited to, chewing, spitting and smoking. Official smoking areas may be designated if issues arise. Employees taking excessive smoking breaks may be subject to disciplinary action per Section 7.9.

#### **7.5 PROHIBITION OF WORK SLOWDOWN**

Employees are prohibited from engaging either directly or indirectly in a situation that would cause a work slowdown. A work slowdown is defined as an individual or concerted effort to purposely interfere or prevent the completion of daily activities or a specific project. This includes an effort or pattern to reduce the staffing levels of a department or division whereby it would place a staffing hardship upon the department or division. Employees found to be participating directly or indirectly in a work slowdown will be subject to discipline up to, and including, discharge.

#### **7.6 ABSENTEEISM AND TARDINESS**

The City has a responsibility to provide continued and uninterrupted service to the citizens of Republic. This responsibility can only be fulfilled when each employee is present during the work hours scheduled. Work hours are to be determined by the Department Head and the City Administrator. Punctuality and regular attendance are essential to the proper functions of the City as a whole.

If absenteeism or tardiness is not approved in advance, employees must notify their immediate supervisor, or the person so designated by the supervisor, as soon as they become aware that they are going to be absent or tardy. Proper notification must be made before the employee's designated shift begins. Only in cases of emergency will this notification requirement be waived.

When an employee is absent or tardy without proper notice, supervisors should follow normal counseling and correcting techniques. If the correcting techniques do not resolve the notification problem or the absences and/or tardiness become excessive or occur in a persistent pattern, disciplinary action will be taken, up to and including termination.

## 7.7 DISCIPLINARY ACTION

Violation of work rules, instances of unacceptable behavior, misconduct, or continued unsatisfactory performance, will subject employees to "progressive discipline". In other words, the severity of penalties imposed for unacceptable conduct will increase with each occurrence, unless the violation is so severe as to warrant immediate termination.

The City reserves the right to deviate from the following schedule of counseling whenever it is necessary or advisable to do so. The City will make every reasonable effort to ensure that employees are treated in a fair and uniform manner, but it must reserve the right to treat each individual situation in light of the unique circumstances present whenever there is a work rule violation or other unacceptable behavior. Some types of misconduct are so intolerable or objectionable that an employee could be dismissed, even for a first offense. Our approach to correcting unacceptable behavior or misconduct will normally consist of the following actions:

### A. STEP ONE - DISCIPLINARY COUNSELING

This is an oral warning to employees that their conduct is unacceptable and that further infractions will lead to more severe penalties. A record of this discussion will be issued by the supervisor and signed by the employee then forwarded to Personnel Services for filing in the employee's personnel file.

### B. STEP TWO - WRITTEN REPRIMAND

This is a formal written record of a reprimand usually following a previous oral reprimand. The reprimand will describe the unacceptable conduct or performance and specify the improvement needed. A copy of this reprimand will be signed by the employee and the supervisor as acknowledgement of receipt. Refusal to sign the written reprimand may result in further disciplinary action and/or dismissal. This record will be retained in the employee's official personnel file but shall not be considered in determining disciplinary action after the reprimand is two (2) years old.

### C. STEP THREE - SUSPENSION WITHOUT PAY

This is an ordered absence from duty for a prescribed period of time due to repeated instances of minor misconduct or for a single action resulting in unacceptable conduct or behavior. A record of the suspension will be signed by the employee and the supervisor and will be retained permanently in the employee's official personnel file.

In cases where an employee is suspended without pay, the requirements of Section 7.10 Due Process must be followed.

### D. STEP FOUR - DISMISSAL

Employees who fail to improve their conduct or performance after imposition of progressive disciplinary actions previously taken or for a single, serious unacceptable

conduct or behavior will be subject to termination. If the offense is warranted, the City may terminate an employee for a first occurrence.

An employee may be suspended with pay pending the outcome of a routine investigation or a fact finding administrative investigation.

## 7.8 DISCIPLINARY RECORDS

Any records in reference to, or as a result of, any disciplinary action will be placed in the employee's permanent official personnel file. No disciplinary records will be removed from the permanent file, unless authorized by the City Administrator for good cause.

## 7.9 WORK RULES

For the most part, good behavior in city employment is simply a matter of good common sense. Therefore, it is not the City's intention to create a catalog of all possible rules, disciplinary offenses and penalties. However, employees have a right to know what conduct the City finds intolerable as well as what conduct the City will encourage and reward. So that all employees are informed in advance about these rules, some of these actions are listed below. Please be mindful that this list is not all encompassing as there may be some types of conduct detrimental to the City and its employees which might have been omitted. Failing to mention a certain type of detrimental conduct does not mean such conduct is permitted. Offenses of the rules and the likely disciplinary actions include the following: A - Oral Reprimand, B - Written Reprimand, C - Suspension, D - Dismissal.

Please keep in mind that this is just a guideline and the City must evaluate each situation or incident in its own merit and consider the severity of the incident when determining what disciplinary action should occur. The list below is only a guideline of actions and the likely action may not apply if the disciplinary steps do not fit the violation.

### LIKELY ACTIONS

1st	2nd	3rd	4th	
A	B	C	D	Violation of the tobacco usage policy;
A	B	C	D	Leaving early, taking unauthorized breaks, taking longer than authorized coffee, rest, or meal breaks;
A	B	C	D	Failure to meet established standards of clean personal appearance of clothing when the job requires personal contact with people;
A	B	C	D	Littering or contributing to poor housekeeping, unsanitary or unsafe conditions on city premises;
A	B	C	D	Negligence, inefficiency, incompetence, or unsatisfactory

				performance of job duties;
A	B	C	D	Failure to perform job assignment;
	B	C	D	Failure to properly notify supervisor or designee of absence or tardiness as described in Subsection 7.6 of this manual;
	B	C	D	Lack of professional or managerial judgment resulting in the undermining of the department, division, or the organization as a whole;
	B	C	D	Upon conviction of a traffic violation that occurred while in a city-owned vehicle or while on city time in any vehicle;
	B	C	D	Posting or removal of any communication notices without proper authorization of the Department Head or supervisor, unless specifically allowed under the personnel policies and procedures;
	B	C	D	Failure to obey reasonable orders of a supervisor;
	B	C	D	Violations of the City Safety Manual and procedures including violation of the city seat belt policy.
		C	D	Negligent misuse, willful or malicious damage or destruction to city property or others;
		C	D	Concealing or failure to report a significant error, mistake, unsafe working condition, or injury;
		C	D	Discourteous or disrespectful conduct to citizens;
		C	D	Removing any city equipment, property, or materials from the worksite or assigned work area or use of city personnel and equipment without proper authorization;
		C	D	Excessive tardiness (See Subsection 7.6);
		C	D	Excessive absenteeism (See Subsection 7.6);
			D	Threatening, intimidating, coercing, fighting, abusive, disrespectful language or interfering with other employees or a supervisor on the job;

- D Falsifying any record, report (written or oral), or document arising from your employment with the City;
- D When authorized under the substance abuse policy (See Section 12);
- D Taking, receiving, dealing, or divulging competitive examination materials without proper authorization or cheating in anyway on a testing procedure;
- D Inducing or attempting to induce any employee in the service of the City to commit an unlawful act, or to act in violation of any lawful departmental official regulations, orders or professional ethics;
- D Sleeping on duty except when acceptable as a normal portion of the job assignment;
- D Stealing city equipment or property;
- D Attempting to coerce City Council members to act upon matters regarding personnel issues or other issues;
- D Conviction of a felony while in employment with the City;
- D Acceptance of gratuities or gifts by employees in exchange for services;
- D Refusal to obey reasonable orders of a supervisor;

VARIES Violating any departmental rules and regulations;

VARIES Violation of any policies outlined in this manual.

Any employee whose job description requires the possession of a valid CDL or driver’s license and who loses the CDL or driver’s license for a violation of, or as a consequence of the law, shall be subject to disciplinary action up to and including termination. The employee shall immediately notify the policy administrator and the employee’s immediate supervisor of the loss of the CDL or driver’s license. Failure to immediately notify the policy administrator of the loss of the CDL or driver’s license shall result in immediate termination.

The above mentioned work rules are a guideline to examples of misconduct that could lead to disciplinary action. These work rules are not intended to be all inclusive and, therefore, misconduct or other unacceptable actions of employee behavior shall also be subject to disciplinary action.

Any departmental rules already in place or to be established shall not supersede this manual nor shall they conflict with any portion of this manual.

## 7.10 DUE PROCESS

In the event that an investigation leads to disciplinary action beyond that set forth in Subsection 7.7 A or B, to correct an employee's conduct of performance and if the action results in the loss of pay in any form including involuntary transfers, demotions (based upon unacceptable actions or behaviors), suspensions or dismissals, the employee has a right to due process procedures.

Under the city's due process requirements, before any action can be taken resulting in one of the above mentioned actions, the following must take place:

- A. The employee is given written notice by the Personnel Services Representative as to the time of a Fact Finding Administrative Hearing to discuss work rule violations or other unacceptable actions or behaviors. This notice shall include time, date, and location of such hearing.
- B. Employee is provided the reason or facts constituting the basis for the action by the City.
- C. Employee is provided an opportunity to respond or explain his/her side.
- D. The Personnel Services Representative and the Department Head shall conduct the Fact Finding Administrative Hearing and written disciplinary recommendations, if any, shall be presented to the City Administrator. In the event there is a vacancy in the position of Personnel Services Representative or in a Department Head position or if a conflict situation exists, the City Administrator or his designee may appoint another Department Head(s) or appropriate individual(s) to participate in the Fact Finding Administrative Hearing.
- E. City Administrator shall review the Fact Finding Administrative Hearing information and either accept, reject, or modify the recommendations. Employee is then given notice of such decision by the City Administrator.
- F. The employee shall be advised of his right to appeal any procedural defects in the notice or hearing process to the City Council.

## 7.11 GRIEVANCES

Whenever an employee has a complaint, either resulting from disciplinary action or general work grievances that are not otherwise covered in this manual, they should present the matter to their immediate supervisor and attempt to resolve the matter in an equitable fashion.

Actions that result in the dismissal, demotion, suspension, or laying off of employees are not to

be heard through this grievance policy but rather through the appeal procedure outlined in this manual.

It shall be the policy of the City to attempt to prevent situations that lead to grievances, and to deal promptly with those that occur. Employees are to use the following procedure in pursuing a grievance:

- A. State in writing the grievance or complaint and discuss with immediate supervisor within forty-eight (48) hours after the incident occurs. The supervisor must respond in writing to the employee within five (5) working days in an effort to resolve the matter.

NOTE: If the complainant is a supervisor, skip step A and go to step B; however, the grievance must be filed in writing to the next level of authority within forty-eight (48) hours of the occurrence.

- B. If the matter is not successfully resolved with the immediate supervisor, the employee shall state the grievance in writing to the Department Head within three (3) working days after the supervisor's response. This authority or designee shall investigate and render a decision in writing to the employee within seven (7) working days from the date they received the grievance.
- C. In the event the above procedures do not resolve the situation, the employee shall forward all written documentation concerning the grievance to the Personnel Services Representative with a written explanation of dissatisfaction within three (3) working days of the Department Head's response. The Personnel Services Representative will forward a written recommendation to the employee and the City Administrator within seven (7) working days of receipt of grievance.

NOTE: If the complainant is a Department Head reporting directly to the City Administrator, the grievance must be submitted in writing directly to the City Administrator within forty-eight (48) hours of occurrence. Then, step D shall apply.

- D. The City Administrator shall make the final decision concerning the alleged grievance in writing to all concerned within ten (10) working days from the date of receiving the grievance. The City Administrator's decision shall be final and there shall be no further appeal process.
- E. If the complaint is against the City Administrator, the grievance must be submitted in writing to the Mayor within forty-eight (48) hours of occurrence. The Mayor has ten (10) working days from the date of receiving the grievance to respond.

Failure by grieving party to comply with these procedures will cause the forfeiture of the grievance.

The response time by the appropriate authorities may be extended if these authorities are unavailable during the above stated response time period. "Unavailable" shall cover instances such as absence due to city business, vacation, or other leave time absent from work.

## **7.12 APPEAL TO CITY COUNCIL**

Any full-time employee who has successfully completed the appropriate probationary period who is dismissed, demoted, or suspended, may appeal the action to the City Council within forty-eight (48) hours after the effective date of such action by filing with the City Council, in writing, a statement under oath of the reasons for said appeal. And upon such appeal, the appealing employee and the City Administrator shall, after reasonable notice, have the right to be heard and to present evidence. Both the employee and the City Administrator shall have the right to counsel, and at the hearing, technical rules of evidence shall not apply. The City Clerk shall take full notes of the oral evidence in such hearing.

The decision of the City Council shall be the final determination of all appeals unless set aside by an appropriate court order or decree and in such instance the cost of the transcript of the hearing shall be paid by the City.

An appeal to the City Council shall be limited in scope to a determination of whether or not the employee received notice of the personnel proceedings in substantial compliance with the provisions of this policy and had an opportunity to appear and participate in the hearing process. The specific facts regarding the personnel action are not relevant to a determination as to whether or not the provisions of this policy with regard to the hearing process were substantially followed. If Council determines that the notice and hearing process was not substantially followed, the matter may be remanded for further hearing.

## **SECTION EIGHT - SAFETY/HEALTH**

### **8.1 SAFETY POLICY STATEMENT**

It is the intention of the City of Republic to provide a safe working environment for all. The City recognizes that employees and residents are its' most important assets; therefore, safety is our greatest responsibility and in all our assignments, the health and safety of all must be the utmost consideration. The Mayor, City Council, City Administrator, Department Heads, supervisory personnel, and all other levels of the city work force are directed to make safety a matter of continuing concern, equal in importance with all other operational considerations. Since most accidents are preventable, employees are not only encouraged, but are required, to work safely and plan events and projects to reduce the possibility of injury to person or danger to equipment.

### **8.2 WORKERS' COMPENSATION/ON-THE-JOB INJURIES**

The Workers' Compensation plan for the City conforms to Missouri laws relating to employees' coverage. All employees are covered under workers' compensation beginning with their first day of employment. Any Injury or Occupational Disease for which a claim is filed must arise as a direct result of your occupation. Additionally, all workers compensation claims will be investigated by a safety committee as established by the Human Resources Director and City Administrator. Department Heads and supervisors are responsible for reporting all workers compensation claims in a timely manner and to assist the safety committee with the investigation.

When an employee is injured on duty, the following steps should be taken:

- A. Employee's supervisor shall be notified immediately. If a supervisor is not available, the injury must be reported to Personnel Services. Notification must be made during the same workday the injury occurred when possible, but no later than the following workday.
- B. Medical treatment shall not be delayed for the completion of paperwork or pending the approval of treatment. The City has a primary workers' compensation physician to assist in controlling the rising cost of workers' compensation insurance. If an employee requires non life-threatening medical attention, they should report to the city-approved medical facilities for evaluation and possible treatment. Treatment of serious or life-threatening injuries should not be delayed. Employees are to provide Personnel Services with a doctor's release before returning to work. Contact Personnel Services if you need information concerning approved medical facilities or doctors.
- C. Upon notification, employee's supervisor must complete the Report of Injury form in full with proper signatures. The form shall be forwarded to the Department Head of the employee and then to Personnel Services.

- D. Unreported on-the job injuries may place the employee in the position of losing any workers' compensation benefits for which they might have been eligible. The City shall not be responsible for unverifiable injuries.
- E. The City and its insurance carrier shall not be responsible for the payment of workers' compensation benefits for any injury which arises out of an employee's outside employment or voluntary participation in any off-duty recreational, social or athletic activity which is not part of the employee's work-related duties.

Workers' compensation benefits will be paid by the insurance carrier in accordance with its policy and in compliance with Missouri law, Chapter 287 of the Missouri Revised Statutes. The City reserves the right to make payment of medical claims in accordance with Section 287.957 of the Missouri Revised Statutes in order to reduce the claims made to the Workers' Compensation carrier. Payment of bills received from sources other than the designated workers' compensation physician and medical treatment to which referred by such physician may be the responsibility of the employee or their medical insurance provider.

### **8.3 EMPLOYMENT OF INDIVIDUALS WITH LIFE-THREATENING DISEASES**

The City recognizes that many employees with life-threatening diseases such as cancer, heart disease, and acquired immune deficiency syndrome (AIDS), may wish to lead normal lives, which includes working as long as their health permits. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not an on-the-job threat to themselves or others, including citizens, their treatment will be consistent with that of all other employees.

The City will attempt to supply pertinent medical education to supervisors and other employees. This may be done through brochures, videos, and a city wellness program. Supervisors and other employees should be aware that continued employment for an employee who has a life-threatening disease might have a therapeutic value and contribute to the individuals' remission or recovery process.

Managers and supervisors should remember that all medical records of employees are confidential.

The City reserves the right to require an employee to undergo a medical examination by a doctor chosen by the City whenever there is a question of an employee's fitness to work, or there is reason to fear that an employee's condition might pose safety or health hazards for other employees or citizens.

The City will make reasonable job accommodations, where necessary, to assist employees with a life-threatening disease, that is consistent with the business needs of the City.

Any employee working in an area in which another employee is diagnosed as having a life-threatening disease will be expected to carry out their normal work duties regardless of the fact that another worker in the area has a life-threatening disease. No special consideration will be

given beyond the city's normal transfer policy for employees who feel threatened by a co-worker's life-threatening disease.

Before any confidential information about the health condition of another employee may be released, permission for release of information must be obtained in writing from the individual.

If your work task involves exposure to blood, bodily fluids, or tissues, you are deemed to be in a position with a higher risk exposure to life-threatening diseases. In these positions, you are required to refer to your departmental guidelines, which describe the proper procedure and care in dealing with situations that would expose you to blood, bodily fluids, or tissues.

#### **8.4 PERSONAL SAFETY**

In addition to the policies and procedures for the City of Republic's safety program, all employees must follow the additional guidelines concerning personal safety. Safety shall be a condition for continued employment with the City of Republic.

##### **A. USE OF SEAT BELTS**

To comply with Missouri State Law and help decrease the possibility or severity of injury in vehicle accidents or sudden stops, it is required that a properly adjusted and fastened seat belt be in use while operating any city equipment which has a seatbelt. This also applies to employees who operate their own personal vehicle or who are passengers in a personal vehicle while on city business or during working hours. Employees violating this Subsection may be subject to disciplinary action.

##### **B. PROTECTIVE GEAR**

All safety and protective gear must be used according to the personal protective equipment policy listed in the City of Republic Employee Safety Manual and internal departmental policies.

#### **8.5 MODIFIED/LIGHT-DUTY ASSIGNMENT**

Modified/light-duty assignment may be available to employees suffering work-related injuries pursuant to the provisions of the City's Safety Policy and subject to approval by the City Administrator. Department Heads shall notify Personnel Services, in writing, of all modified/light-duty assignments for review and approval by the City Administrator. Modified/light-duty assignments lasting longer than ninety (90) days must receive approval of the City Administrator to continue.

Modified/light-duty assignment is not an entitlement and will only be available for appropriate tasks and duties as needed.

## **SECTION NINE - AMERICANS WITH DISABILITIES ACT (ADA)**

### **9.1 INTRODUCTION**

The Americans with Disabilities Act (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals in state and local government services. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and state and local civil rights enforcement agencies that work with the Commission.

### **9.2 EMPLOYMENT PRACTICES COVERED UNDER ADA**

The ADA makes it unlawful to discriminate in all employment practices such as: recruitment, hiring, promotion, training, lay-off, firing, leave, pay, job assignment, benefits, and all other employment related activities.

Employers are prohibited from retaliating against an applicant or employee for asserting his/her rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social, or other relationship or association with an individual with a disability.

### **9.3 INDIVIDUALS PROTECTED BY ADA**

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he or she has a "physical or mental impairment" that "substantially limits a major life activity". The ADA also protects individuals who have a "record of" a substantially limiting impairment, and people who are "regarded as" having a substantially limiting impairment.

To be protected under the ADA, an individual must have a record of, or be regarded as having a substantial as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a "major life activity" such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working.

An individual with a disability must also be qualified to perform the "essential functions" of the job with or without "reasonable accommodation", in order to be protected by the ADA. This means that the applicant or employee must:

- A. Satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- B. Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with the employer's right to hire the best-qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits the employer from discriminating against a qualified applicant or employee because of a disability.

For further information you may call.

Equal Employment Opportunity Commission (National-toll free) - 1-800-669-4000  
(Voice) and 1-800-669-6820 (TTY)

Governor's Council on Disability (Missouri-toll free) - 1-800-877-8249 (Voice and TDD).

## **SECTION TEN - MISCELLANEOUS PROVISIONS**

### **10.1 CONDUCT**

Each employee is expected to support, obey and defend the constitution of the United States, the constitution of the State of Missouri, and the municipal laws of the City of Republic. It is the employee's responsibility to inform the immediate supervisor any time a violation of federal, state or local laws impinges upon the employee's ability to perform his or her current job. (Examples would include loss of Commercial Driver's License or court-ordered sanctions that might limit physical mobility also, loss of a regular driver's license if duties require operation of a city vehicle.)

Employees have a responsibility to maintain the best relations possible with the public both on and off duty.

### **10.2**

#### **PERSONAL APPEARANCE**

Each employee is expected to dress appropriately and maintain the standard of personal grooming as required by his or her position. If headgear, uniform, footwear or other gear is furnished by the City, it must be worn on duty, unless authorization to do otherwise is given by the Department Head. Attention should be given to personal hygiene.

Body piercings are considered inappropriate if they pose a safety concern with your work duties or create a distraction with your job or work duties. Piercings deemed inappropriate shall be covered up or removed during work hours.

Tattoos are considered inappropriate if they pose a conflict with your position. Tattoos should not contain nudity, obscenities, ethnic slurs, gang symbols, promote discrimination or endorse criminal activity. Tattoos of this nature must be covered at all times during work hours. The employee must adhere to their respective department's dress code.

### **10.3 CONFIDENTIALITY**

It is the policy of the City of Republic that each employee who may have access to any sensitive subject matter shall be advised in writing as to the requirement of confidentiality. Further, it is the policy of the City that any disclosure of the above mentioned sensitive subject matter, without authorization from the appropriate employee, to anyone other than authorized personnel of the City is prohibited.

Violation of this policy constitutes grounds for termination.

### **10.4 LUNCH/SUPPER BREAK**

Department Heads for each department are responsible for determining when the lunch/supper break is to occur in their respective department. Hourly employees, with the

exception of employees within the police and fire departments, are to account for time taken as a meal period. Employees are discouraged from eating meals at work stations.

### **10.5 COMMUNITY ACTIVITIES**

Employees are encouraged to become acquainted with the many community activities available and to participate in any form of wholesome enjoyment which will bring personal satisfaction and reflect favorably upon the City.

### **10.6 PERSONAL TIME AT WORK**

Employees should limit personal phone calls and activities while on duty. Personal mail and e-mail should be directed to your home, not city offices. Employees are referred to the City's computer use policy for specific guidance; however, it is the general policy of the City to limit unreasonable use of computers or the internet.

### **10.7 CITIZEN QUESTIONS OR REQUESTS FOR SERVICE**

Employees must give prompt, courteous attention to all citizens who call or appear personally with a complaint or question. If employees cannot answer the question or handle the complaint, they should transfer the person to someone who can, or when appropriate, take the person's name and number for a call back later. Employees should never ask the citizen to call another number if they cannot be transferred but either take a written message regarding the citizen's problem and route it to the proper departmental area, or inform the proper city employee to return the call to the citizen. If the citizen appears to be offensive and the employee feels they are being personally abused, the incident should be reported to the supervisor who, in turn, will go immediately to the Department Head and/or the City Administrator. If necessary, a Citizen Request for Services form should be completed and forwarded to the appropriate person.

### **10.8 OUTSIDE EMPLOYMENT**

Employees of the City may be self-employed or may take occasional part-time jobs if there is no conflict with the interests of the City. Employees of the City may not engage in outside employment for business activities under any circumstances while on duty nor may city property be used for any reason other than city functions.

All outside employment must be approved in writing by the Department Head and City Administrator and forwarded to Personnel Services to become a part of the employee's file.

### **10.9 PERSONNEL RECORDS**

A central file of records on all personnel is maintained by the City. Employees may contact Personnel Services to schedule a time to review his/her own personnel file during normal business hours. The information in the file may be photocopied but no original documentation may be removed from the office. Personnel records are confidential and not subject to disclosure unless authorized by this policy or by ordinance. Department Heads/supervisors

will have access to certain non-medical personnel records for valid business reason. The Department Head/supervisor shall complete and submit a records request form provided by Personnel Services specifying the nature of records being requested and the purpose for the request.

Duplicate copies of the personnel records may be kept at the departmental level. These records should be maintained for one year then transferred to Personnel Services for evaluation.

#### **10.10 INFORMATION REQUIRED**

In order for the City to keep its records up to date, it is a benefit to the employee to keep the personnel file up-to-date. Employees are encouraged to notify Personnel Services of changes in any of the following:

- A. Address, telephone number, or emergency number changes;
- B. A change in federal and state income tax withholding;
- C. Change in retirement plan or insurance beneficiary;
- D. Changes in the person to be notified in case of an emergency;
- E. Name of other health insurance companies insuring you and your family;
- F. Names of new dependents to be covered by insurance;
- G. All work-related licensing and certifications received (copies of the documents must be submitted for placement in the employee's personnel file);
- H. Change in required licensing or certification;
- I. Changes in any payroll withholdings;
- J. Change in name.

It is the responsibility of the employee to notify Personnel Services immediately of these changes, in order to allow ample time to process paperwork and meet submission deadlines.

#### **10.11 RESIDENCY REQUIREMENTS**

Residency requirements apply to personnel within the City whose job descriptions contain language requiring specific response times or residency within a specific time and/or distance from the City. Generally those positions are from Police, Fire and Emergency Management Departments. Residency requirements may also be specified within the job description(s) of designated "On-call" personnel in other departments.

#### **10.12 INDEMNIFICATION**

Subject to the requirements of federal, state or local laws, the City shall indemnify city employees for claims of alleged personal legal liability arising out of any act or omission by any city employee during the performance of duties, within the scope of employment in accordance with the City's insurance policy.

The employee shall be responsible to report all employment-related claims and shall be subject to legal counsel provided by the City, if applicable, unless given authorization in writing by the City Administrator to obtain legal counsel elsewhere at city expense. This authorization must

be approved in advance of any legal expenses being incurred by the employee. Failure of employee to meet such requirement may result in the City's refusal to defend or indemnify the employee.

### **10.13 ADMINISTRATIVE RULES**

The City Administrator may make administrative rules for matters that are not covered or addressed in this manual insofar as the rules are consistent and are not in violation with any rules or procedures set forth in this manual.

### **10.14 POLITICAL ACTIVITY**

The City of Republic has adopted the following rules and regulations concerning an employee's involvement in political activity:

1. City employees shall not be appointed or retained on the basis of their political activity.
2. City employees shall not be coerced to take part in political campaigns, to solicit votes, to contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for municipal office within the City of Republic.
3. No city employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any City of Republic municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her performance as a city employee.
4. No city employee may seek election to public office with the City while still employed by the City; nor, will any employee be appointed to any political office within the municipality.
5. No paid employee, excluding Republic elected officials, may use their position to sell, solicit or distribute any campaign material during working hours or in a uniform used by or identified with the city government. Employees distributing city-approved referendum materials for city-sanctioned referendums are exempt from this provision.
6. No paid employee, excluding Republic elected officials, may use their position to endorse any candidate for public office.
7. Employees are encouraged to exercise their right to vote in municipal elections, but shall not be elected to, or be permitted to hold office in, the City of Republic.

### **10.15 FITNESS FOR DUTY**

A department may establish a fitness for duty requirement policy based upon the job description and/or needs of the department. Such policy shall be submitted to and approved by the City Administrator.

## **SECTION ELEVEN - FRINGE BENEFITS MANAGEMENT**

### **11.1 MANAGEMENT**

Personnel Services is responsible for coordination and management of the fringe benefits programs for the City of Republic. If you have a question about any of your fringe benefits, contact your supervisor or Personnel Services.

### **11.2 TYPES OF LEAVE/REQUEST POLICY**

Types of leave provided by the City are Paid Holidays, Vacation Leave, Sick Leave, and Personal Time. This paid time off is not intended to supplement for time worked short during a normal workweek. Leave must be approved in advance, whenever possible, through the use of Request for Leave forms signed by supervisors.

All Requests for Leave shall be submitted by the employee to their immediate supervisor. All requests for leave of absence shall be made in a timely manner and with respect to departmental scheduling; requests for leave shall be made no later than at least forty-eight (48) hours in advance of the beginning dates except for sick leave, emergency leave, and military leave, which shall be made as soon as possible. At the discretion of the supervisor, the forty-eight (48) hour advance notice requirement may be waived. Each Department Head is responsible for having the necessary amount of employees to perform daily duties as required by their tasks and to administer their times as required.

In no event shall leave be approved when the time off would exceed the accrued leave time balance without written approval of the City Administrator. If an employee takes non-accrued leave and the employee leaves city service, the City will be reimbursed from the employee's final paycheck.

In the event of an emergency and/or other unforeseen condition that inhibits an employee from reporting to work or performing work at the job site (e.g. inclement weather, power outages, etc.), the employee can account for this time in one of the following ways:

1. If an alternate work site is available and accessible, such as the police or fire stations, employees may relocate to this alternate site to complete their scheduled work hours for that day with approval from the employee's immediate supervisor. It shall be the responsibility of the supervisor to discern whether this course of action is adequate and appropriate with regard to the completion of the employee's work assignment(s).
2. If an alternate work site is not available or accessible, or City offices are closed, the employee may take either vacation-leave or unpaid leave for the work hours missed.
3. If an alternate work site is not available or accessible, or City offices are closed, and there is a reasonable expectation that the amount of hours missed can be worked at a later time within the same pay period, the employee may be allowed to work additional unscheduled work hours in that pay period to account for missed time, subject to

department head approval. Under these circumstances, the additional hours worked in that pay period shall not be counted as hold-over hours, pursuant to Subsection 4.6 – E.

### **11.3 PAID HOLIDAYS**

The following is a list of the paid holidays for all full-time employees with the exception of all emergency service personnel:

Paid holidays total eighty-four (84)\* hours. If a holiday falls on a Saturday, the holiday will be taken on the previous Friday. Holidays falling on a Sunday will be taken on the following Monday.

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Eve Afternoon \*
- Christmas Day

Non-emergency services personnel and non-exempt full-time employees required to work on holidays shall be paid for the eight (8) hour holiday plus actual hours worked.

\* Should Christmas fall on Saturday, Sunday or Monday, Christmas Eve will not be observed as a paid holiday. If Christmas falls on a Tuesday, Christmas Eve (Monday) will be observed as a full day off. If Christmas falls on a Wednesday, Thursday or Friday, then Christmas Eve afternoon will be observed as a paid holiday. Annual variations to the vacation accruals (Fire and Police Personnel) will be made depending upon the situation.

### **11.4 VACATION LEAVE**

Vacation time is intended to benefit the employee and serve as a time of mental and physical refreshment; therefore, employees are encouraged to use their vacation time.

Vacation time is determined for full-time employees by length of continuous service. Accrued vacation leave may be used after thirty (30) days of employment with the City. With the exception of EMT, all full-time city personnel shall accrue vacation on the following schedule: 0-1 year of service = 1 week; 1 year of service – 4 years of service = 2 weeks; 4 years of service – 9 years of service = 3 weeks; 9 or more years of service = 4 weeks.

The following schedule will determine the number of hours earned yearly for personnel:

**All City Staff (excluding those specified in the following Subsections) includes Police Administrative Personnel, i.e., Administrative Assistant, PSR, Investigations Property and Evidence Specialist**

	<b>Monthly</b>	<b>Yearly</b>	<b>Maximum</b>
<b>Length of Service</b>	<b>Accruals</b>	<b>Accruals</b>	<b>Accruals</b>
0-1 year of service	3.34 hours	40 hours	40 hours
1 year - 4 years of service	6.67 hours	80 hours	160 hours
4 years - 9 years of service	10 hours	120 hours	240 hours
9 or more years of service	13.34 hours	160 hours	320 hours

**Full-time Commissioned Police Personnel**

Yearly accruals are calculated in accordance with the outlined vacation schedule using an average of a forty (40) hour workweek, plus eight-four (84) hours (may vary in accordance with Section 11.3) of paid holidays. Section 11.7 allows employees twenty-four (24) hours personal time that must be used within a calendar year. To be consistent with city policy, personal time will be independently tracked on an annual basis through Human Resources and/or payroll.

Formula for yearly accrual: City-approved holidays of 84 hours plus your allotted annual vacation.

Example: An employee who has been with the city for three years would accrue  $84 + 80 (40 \times 2) = 164$ .

Formula for maximum accrual (with the exception of year one) Yearly accrual times two.

Example: An employee who has been with the city for three years would have a maximum accrual of  $164 \times 2 = 328$ .

Formula for Maximum Payout (with the exception of year one): Maximum accrual minus 168 ( $84 (holiday\ hours) \times 2 = 168$ ).

Example: An employee who has been with the city for three years would have a maximum accrual of  $328 - 168$  (two years of holiday hours) = 160 hours of maximum payout upon separation. Maximum payout is a not to exceed amount the city may payout upon separation.

Temporary Grace Period for Maximum Payout Provision- Until December 31, 2015 employees separating from the city will receive payment for all hours greater than the maximum payout hours, not to exceed the maximum accruals as provided for in this Ordinance No. 15-02

	<b>Monthly</b>	<b>Yearly</b>	<b>Maximum</b>	<b>Maximum</b>
<b>Length of Service</b>	<b>Accruals</b>	<b>Accruals</b>	<b>Accruals</b>	<b>Payout upon</b>
				<b>Separation</b>
0-1 year of service	10.33 hours	124 hours	124 hours	40 hours
1 year - 4 years of service	13.67 hours	164 hours	328 hours	160 hours

4 years - 9 years of service	17 hours	204 hours	408 hours	240 hours
9 or more years of service	20.34 hours	244 hours	488 hours	320 hours

**Full-time Fire Employees Working 24 Hour Shifts**

Yearly accruals are calculated in accordance with the outlined vacation schedule using an average of a fifty-six (56) hour workweek , plus eight-four (84) hours (may vary in accordance with Section 11.3) of paid holidays. Section 11.7 allows employees twenty-four hours personal time that must be used within a calendar year. To be consistent with city policy, personal time will be independently tracked on an annual basis through Human Resources and/or payroll.

Formula for yearly accrual: City-approved holidays of 84 hours plus your allotted annual vacation.

Example: An employee who has been with the city for three years would accrue  $84 + 112 (56 \times 2) = 196$ .

Formula for maximum accrual (with the exception of one year) Yearly accrual times two.

Example: An employee who has been with the city for three years would have a maximum accrual of  $196 \times 2 = 392$ .

Example: An employee who has been with the city for three years would have a maximum accrual of  $392 - 168$  (two years of holiday hours) = 224 hours of maximum payout upon separation. Maximum payout is a not to exceed amount the city may payout upon separation.

Temporary Grace Period for Maximum Payout Provision- Until December 31, 2015 employees separating from the city will receive payment for all hours greater than the maximum payout hours, not to exceed the maximum accruals as provided for in this Ordinance No. 15-02

	<b>Monthly Accruals</b>	<b>Yearly Accruals</b>	<b>Maximum Accruals</b>	<b>Maximum Payout upon Separation</b>
<b>Length of Service</b>				
0-1 year of service	11.67 hours	140 hours	140 hours	56 hours
1 year - 4 years of service	16.34 hours	196 hours	392 hours	224 hours
4 years - 9 years of service	21 hours	252 hours	504 hours	336 hours
9 or more years of service	25.67 hours	308 hours	616 hours	448 hours

**Executive Management Team and Deputy Fire Chief/EMA Director**

	<b>Monthly</b>	<b>Yearly</b>	<b>Maximum</b>
<b>Length of Service</b>	<b>Accruals</b>	<b>Accruals</b>	<b>Accruals</b>
0-1 year of service	6.67 hours	80 hours	80 hours
1 year - 4 years of service	10 hours	120 hours	240 hours
4 years - 9 years of service	13.34 hours	160 hours	320 hours
9 or more years of service	16.67 hours	200 hours	400 hours

For the purpose of the above accruals, the Executive Management Team shall consist of the City Administrator, Assistant City Administrator, Executive Assistant, City Attorney, City Clerk, Director of Finance, Public Works Director, Police Chief, Fire Chief, Planning and Economic Development Director, Parks and Recreation Director, Information Technologies Director, and Human Resource Director. Additional positions may be added at the direction of the City Administrator.

Vacation leave is not intended to compensate for time worked short in a workweek. Any employee discovered misusing the vacation leave privileges will be subject to disciplinary action. Vacation shall not be used to extend a date of retirement or termination date.

Sick/emergency leave will not be substituted for scheduled vacation leave. The only exception will be employees who have a verifiable workers' compensation injury and are under doctor's orders to remain off work or as authorized by the conversion policy established in Subsection 11.5 of this manual.

In any case where an employee is separated from service, the employee shall receive the full amount of his/her vacation leave accrued, not to exceed the accrual maximum or maximum payout accrual (whichever applies), at the time of separation.

In the event of an employee's death, the full amount of vacation accrual and any other compensation due to the deceased employee will be paid to the person(s) legally entitled to receive such compensation.

The minimum amount of vacation leave to be charged shall be one (1) working hour.

**11.5 SICK LEAVE**

Sick leave accrues but can be used as authorized pursuant to Subsection 2.8 in this manual.

In all cases where applicable, sick/emergency leave will be subject to and designated by the City of Republic as FMLA leave and counted against an eligible employee's FMLA leave entitlement. All situations which are eligible under the FMLA will be governed by the rules and regulations as defined by the Family Medical Leave Act (FMLA).

Sick leave with pay shall be granted to an employee due to the reason of personal sickness or injury; for necessary medical and dental examination and treatment provided that sick leave granted for such reasons shall not exceed the actual time necessary for examination and travel

to and from treatment. Employees will be allowed to use sick leave when there is illness in the family requiring the attendance of the employee or for doctor's visits for the employee or the employee's family, as that term is defined herein.

Employees who use sick leave must notify their supervisor prior to the beginning of each workday or as soon as possible thereafter. All regular full-time employees shall accrue sick leave at the rate of eight (8) hours for each month of service. Part-time and temporary/seasonal employees shall not accrue sick leave. The minimum amount of sick leave to be charged shall be one (1) working hour.

Unused sick leave may accumulate up to 720 hours. Upon separation from the City's service, an employee shall not be entitled to receive payment for any accrued sick leave.

Sick leave is not intended to compensate for time worked short in a workweek. Any employee discovered misusing the sick leave privileges will be subject to disciplinary action. Sick leave shall not be used to extend the date of retirement.

At the end of each year, the City of Republic, at the written request of the employee, are eligible to convert up to forty (40) hours of sick leave to forty (40) hours of vacation leave provided that the employee has used less than forty (40) hours of sick leave in the calendar year and an employee has not reached their maximum vacation accrual at the beginning of the calendar year. Any conversion of sick leave to vacation leave shall take place after the beginning of the calendar year. Personnel Services shall inform all city employees of the number of sick leave hours they have used in the calendar year. All written requests for sick-leave conversion must be submitted to Personnel Services prior to February 1<sup>st</sup> for conversion of time from the previous calendar year. Only employees having been employed with the City for the entire calendar year shall be eligible to convert sick leave into vacation leave.

An employee who is absent for a period of more than three (3) consecutive working days or consistently for shorter periods and requests sick leave to cover such absences may be required to furnish a doctor's certificate as a condition of granting, attesting to the fact that the employee's absence has been due to personal sickness or injury.

## **11.6 FAMILY & MEDICAL LEAVE ACT (FMLA)**

Enactment of the Family & Medical Leave Act (FMLA) was predicated on two (2) basic concerns: The needs of the American work force, and the development of high-performance work organizations. Congress felt that when a newborn or newly adopted child arrives or a serious family medical problem occurs, employees should not have to choose between taking the time needed to attend to such important events and the loss of their job and health coverage. The FMLA is intended to promote a healthier balance between work and family responsibilities, ensuring that family development and cohesiveness are encouraged by this nation's public policy. Family and medical leave policies are seen as an important attraction in recruiting and retaining employees and promoting employee loyalty, involvement and commitment to their employers' business goals and operations.

The employee may be required to furnish the City Administrator with a written reason of why the attendance was necessary. Use of FMLA sick leave must be approved on a case-by-case basis and approved by the City Administrator.

In all cases where applicable, sick leave will be subject to and designated by the City of Republic as FMLA leave and counted against an eligible employee's FMLA leave entitlement. All situations, which are eligible under the FMLA, will be governed by the rules and regulations stated herein.

#### A. BASIC LEAVE ENTITLEMENT

The Family & Medical Leave Act entitles eligible employees up to twelve (12) work weeks of unpaid leave in a given twelve (12) month period. Eligible employees must have worked for the City of Republic at least twelve (12) months and for at least 1,250 hours during the year preceding the requested leave. The employee is allowed twelve weeks of unpaid leave during January 1 through December 31 each calendar year. Upon return from FMLA leave, employees must be restored to their original or equivalent pay, benefits and other employment terms. FMLA leave will be granted for the following reasons:

1. The birth of a child and to care for such child; the placement of a child for adoption, or foster care;
2. The serious health condition of a spouse, son, daughter, or parent; and
3. The employee's own serious health condition, which prevents the employee from performing his or her own job.

When an illness requires the attendance of the employee for longer than three (3) consecutive days, the illness may fall within the Family & Medical Leave Act (FMLA). As such, leave may be used for the following list of people:

1. Spouse (Husband or wife, as defined by state law);
2. Son or Daughter (biological, adopted, foster, step, half, legal ward);
3. Parent (biological, adopted, step, legal guardian);
4. Other persons who are dependent upon the employee for their care and maintenance.

#### B. MILITARY FAMILY LEAVE ENTITLEMENTS

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 service member during a single 12-month period. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established for other types of leave. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

#### C. RESPONSIBILITY

It is the responsibility of the employee to coordinate requests for family and medical leave with the City of Republic through Personnel Services.

#### D. POLICY

It is the policy of the City of Republic to adhere to the requirements of the Family & Medical Leave Act and continue to provide a "family friendly" environment between the employee and the City.

#### E. PROCEDURE

When an employee requests to take family or medical leave, the procedures below will be adhered to:

1. The employee shall inform his/her supervisor of impending leave and contact Personnel Services to determine eligibility and receive the necessary forms. Employees must give thirty (30) days advance written notice to the City of the need to take FMLA leave when it is foreseeable for the birth or placement of a child for adoption or foster care, for planned medical treatment, or for military leave entitlements. When it is not possible under certain circumstances to provide such advance notice, notice must be given "as soon as possible". The City Administrator will determine if the employee is eligible for FMLA.
2. The employee should submit the request form and the necessary following information:
  - a. BIRTH of a child - Certification of physician or practitioner is required.
  - b. FOSTER CARE of a child - State forms are necessary to complete this action.

- c. SERIOUS HEALTH CONDITION of the employee, spouse, son, daughter, or parent - Certification of physician or practitioner is required.
  - d. QUALIFYING MILITARY EXIGENCY – Certification of the covered military member’s active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which the leave is sought, including contact information if the leave involves meeting with a third party.
  - e. CARE FOR A COVERED SERVICEMEMBER – Certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member’s family.
3. Personnel Services shall notify the employee and the employee's department of approved leave.
  4. If the submitted medical information is not sufficient, the City may request a second opinion at the city's expense. If the first and second opinions do not agree, the City and the employee will coordinate the selection of a physician for a third opinion at the city's expense. The third opinion will be final and binding.
  5. The employee may choose to replace unpaid leave with paid leave. If the request is for paid leave, i.e., sick leave, vacation, personal leave days, the employee may use all or part of their available leave time to cover the request. The employee will be allowed to allocate any accrued leave over the course of the absence. This request must be made in writing to the City Administrator prior to taking leave.
  6. The City of Republic will continue payment for its portion of the employee's medical, dental, life and disability plan premiums. It is the responsibility of the employee to pay their portion of the insurance premiums, if any dependent coverage has been elected. Should the employee elect unpaid leave or if available paid leave has been exhausted, their portion of the premium shall be due the first business day of every month, check payable to the City of Republic and remitted to Personnel Services.

The law allows an eligible employee to take intermittent leave or to take leave on a reduced schedule when the employee or a member of an employee's immediate family is seriously ill. If leave is foreseeable, an employee is required to try to schedule the leave so as not to unduly disrupt the city's operations, and the City may place the employee in an alternative position, pursuant to requirements of the FMLA, that better accommodates intermittent leave.

FMLA also permits an employee taking leave for birth, or because of placement for adoption or foster care, to take leave intermittently or by working a reduced workweek. However, employees must receive prior approval from the Department Head of the department in which they work. Consequently, employees will be able to use vacation and sick leave for whatever time needed to cover approved leave.

The City may periodically request reports from the employee regarding the status of the employee and employee's intent to return to work.

If an employee has taken leave because of his or her own serious health condition, the employee will be required to submit medical certification on the employee's ability to return to work. The certification should be submitted to Personnel Services prior to the return-to-work date.

At all times, the employee shall coordinate any changes that may occur during family or medical leave with Personnel Services.

If the employee does not return to work or fails to provide required paperwork, FMLA leave will end and the employee will be considered to have abandoned their employment with the City. At that time, COBRA regulations will apply.

#### **11.7 PERSONAL TIME OFF \***

*\*In Ordinance 15-34, Section 11.7 was incorrectly referred to as 11.6; and 11.8 was referred to as 11.7 It is numbered correctly in this Personnel Policy.*

The City provides all full-time staff twenty-four (24) hours per year to be used as Personal Time Off. This is paid time off, chosen by the employee with permission of the supervisor.

Personal time off for new employees will be pro-rated based on hire date within a calendar year. The following schedule will apply and can be changed administratively as deemed appropriate:

Hire date January 1 through April 30<sup>th</sup> = 24 hours personal time given.

Hire date May 1 through August 31<sup>st</sup> = 16 hours personal time given.

Hire date September 1 through December 31<sup>st</sup> = 8 hours personal time given.

Personal time is renewed each January 1st and must be used before December 31st of the same calendar year. Upon separation from the city's service, an employee shall not be entitled to receive payment for any remaining Personal Time. Personal Time is not intended to compensate for time worked short in a workweek. Any employee discovered misusing the Personal Time privileges will be subject to disciplinary action. Personal Time shall not be used to extend the date of retirement.

## **11.8 FUNERAL LEAVE\***

*\*In Ordinance 15-34, Section 11.7 was incorrectly referred to as 11.6; and 11.8 was referred to as 11.7. It is numbered correctly in this Personnel Policy.*

In the event of death of a city employee, employees of the City may be granted up to four (4) hours funeral leave for attendance at the funeral, providing a working schedule can be arranged by the Department Head that will not materially impair the ability of the department to perform its public duties.

Employees will be allowed to use paid Funeral Leave to attend the funeral of a person in the employee's family (see list below). Employees must contact their immediate supervisor and obtain permission for receiving paid leave. The maximum allowable Funeral Leave is twenty-four (24) working hours per death. Documentation may be requested by Personnel Services in order for the employee to receive paid Funeral Leave. Any unapproved or additional time off will be taken as paid leave (using vacation or personal time) or as unpaid leave. This provision shall be handled on a case-per-case basis and decisions shall be based upon the distance of travel, relationship between employee and deceased family member, and subject to supervisor and Department Head approval. However, in no event is this maximum leave time automatic.

Family in this case shall be defined as follows:

- A. Spouse;
- B. Child;
- C. Brother/Sister;
- D. Father/Mother;
- E. Grandfather/Grandmother;
- F. Grandchildren;
- G. Fiancé or Fiancée;
- H. Uncle/ Aunt/Niece/Nephew
- I. Legal Guardian;
- J. Other persons who are dependent upon the employee for their care and maintenance.

This shall include those related by marriage for the above-mentioned family members including current step-relatives and half-relatives.

Any employee discovered misusing the funeral leave privileges will be subject to discipline.

## **11.9 MATERNITY LEAVE**

For purposes of insurance and leave category, pregnancy and maternity leave will be considered as an illness. As such, the same rules as for Sick Leave and FMLA apply.

## **11.10 MILITARY LEAVE**

In recognition of the National Guard and Reserve as essential to the strength of our nation and the maintenance of world peace, the City of Republic in regards to all city employees, endeavors to meet all requirements of law; however, no greater or lesser entitlements or requirements of law are intended by this Subsection. The city's Military Leave policy shall comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will also comply with the statutory requirements set forth in the Missouri State Statutes. Copies of the current USERRA and Missouri State Statutes may be obtained from Personnel Services. In order for the City to properly plan for future staffing needs, it is necessary that military leave requests be submitted as soon as possible, preferably when orders are assigned or schedules released.

#### **11.11 CITIZENSHIP LEAVE**

Employees shall be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of such citizenship obligations as the following:

- A. Jury Duty
- B. Witness (when properly subpoenaed)

Employees serving as jurors shall receive full salary and benefits for the duration of the jury leave provided that all money, less travel expenses, received by the employee for the jury duty is remitted to the City. In any case of citizenship leave, the employee is responsible for submitting appropriate documentation to Personnel Services.

## **11.12 UNPAID LEAVE OF ABSENCE**

Employees may request an unpaid extended leave of absence for personal reasons other than FMLA not to exceed one thirty (30) day period of consecutive calendar days and no more than forty-five (45) calendar days within a calendar year. The City may grant such a request at their discretion for good cause. The employee shall submit with his/her request, a statement defining the reason for such request, the length of time absent without pay, and shall be done so in a manner that would allow the supervisor and/or the Department Head to properly staff the department.

Employees requesting unpaid leave, not greater than five (5) consecutive days in length, can have their leave request approved by the Department Head with documentation sent to Human Resources. Excessive requests for short term unpaid leave, not greater than five (5) consecutive days, will be reported to Human Resources and City Administrator for future review, consideration, and approval. Employees will maintain health and dental benefits during this absence provided unpaid leave does not exceed five (5) days per month. If unpaid leave exceeds five (5) days per month then the employee will be responsible for paying for their own health and dental benefits prorated to the time off on unpaid leave. The employee will not be entitled to any accrual of vacation and/or sick days during this leave.

Employees requesting unpaid leave, greater than five (5) consecutive days, must obtain approval, in writing, by the City Administrator. The request must be submitted, in writing, and received by the City Administrator no later than five (5) business days prior to starting unpaid leave. The employee will be responsible for paying for their own health and dental benefits prorated to the time off on unpaid leave. The employee will not be entitled to any accrual of vacation and/or sick days during this leave.

Emergency requests for unpaid leave may be granted by the City Administrator. Once granted, written documentation must be provided within 72 hours to the City Administrator.

## **11.13 EDUCATION LEAVE**

City employees may be granted educational leave to advance themselves professionally and technically at conferences or in a school or course of instruction upon approval by the City Administrator when it is judged to be in the best interest of the City to grant the leave.

Educational leave may be granted by the City Administrator as leave with pay, provided the leave shall not exceed a period of two (2) weeks.

When educational leave is granted as leave with pay, the employee shall be required to return to his position with the City for a specified period of time (the minimum specified period shall normally be construed as a period equal to six (6) times the educational leave granted). If the employee fails to meet his/her requirement, the employee shall forfeit the wages, reimbursements, and other allowances paid while on educational leave. The necessary steps shall be taken to recover any indebtedness to the City if the employee should terminate employment prior to expiration of the required service period.

When educational leave is granted for a period greater than ninety (90) days, the employee must provide to the City Administrator a progress report of the employee's studies. This must be done at least every thirty (30) days.

When educational leave is granted without pay, it may be granted for a period not to exceed eighteen (18) months.

#### **11.14 TUITION REIMBURSEMENT PROGRAM**

In keeping with the interest which the City of Republic has in the improvement of the employee's qualifications for the performance of their work, and in the development of qualifications which may lead to advancement in the same field of work through additional education and training, the City will provide for tuition reimbursement based on the following qualifications and schedule.

##### **A. ELIGIBILITY REQUIREMENTS**

Employee must be a full-time employee. The course(s) must be offered through an accredited college, university, trade school or a correspondence course through an accredited school. The course(s) must relate directly to the employee's development of self-improvement. Refund payments will be made only for courses that have a direct bearing on the immediate job or courses that will enhance the employee's ability to compete for promotional opportunities in his occupational field and has a direct benefit to immediately improve the quality of the city's service.

##### **1. QUALIFICATIONS OF REFUNDS**

The course(s) must be requested on a "School Permission" form thirty (30) days before registration as to give the approving authorities the time necessary to review the requested courses. The course(s) must be approved by the employee's Department Head and the City Administrator. The course must be completed within the allotted time limit established by the school offering the course. The course must be completed while the employee is still employed with the City. If an employee transfers to another department while attending an approved reimbursable course, the approving department will be responsible for the expense of the course.

To receive reimbursement, the employee must submit the "School Tuition Reimbursement" form along with evidence, such as grade card and fee receipt describing the amount paid and, either the grade received, or notice of "pass or fail" of the course to the immediate supervisor who shall then forward such evidence to the Department Head who shall, in turn, submit evidence to the City Administrator to arrange for reimbursement or refund. Requests must be made within thirty (30) days after the completion of the course(s).

Employees must retain their employment status for a period of one (1) year after the receipt of tuition reimbursement. Should an employee leave the city's service before the one (1) year period concludes, the employee must repay the tuition reimbursement payments made during the preceding one (1) year period on a pro-rated basis of one-twelfth (1/12) per month.

## 2. REIMBURSEMENT SCHEDULE

The following schedule shall determine the percentage amount refund:

Percent of Tuition	
Grade	Cost Reimbursed
A	100%
B	85%
C	75%
D or F	0%

Courses providing only "pass or fail" grades:

Pass	75% tuition cost reimbursed
Fail	0% tuition cost reimbursed

## 3. EXCLUSIONS

Courses which are considered "electives" or "general study" courses which may be necessary for completion of curriculum requirements, and the subsequent awarding of a degree, shall be excluded from reimbursement unless the course content has more than a casual relationship to the major approved field of study.

Textbooks, supplies and other incidental fees are not eligible for reimbursement.

Registration fees for attendance at workshops, seminars, conferences, etc., are properly handled through a department's training account, and consequently, the tuition reimbursement program is not applicable in these cases.

## 4. MISCELLANEOUS INFORMATION

Participation in the tuition reimbursement program shall be solely on the employee's own time unless specifically approved by the City Administrator.

The City may require an employee to enter into a written agreement at the request of the approving authorities for courses that require employees to be relieved of normal duties for a specified period of time but are still receiving their regular salary and benefits.

Additional information and tuition refund application forms may be obtained in Personnel Services. The number of courses eligible under this program will be

limited to availability of budgeted funds. Employees will be reimbursed on a first-come, first-serve basis during the fiscal year until such funds are exhausted.

### **11.15 HEALTH INSURANCE**

All full-time employees are eligible under the City group health insurance plan. Benefits begin after a thirty (30) day waiting period. The City pays all full-time employees' health insurance premiums for those enrolled in the program offered by the City. Full-time employees may enroll dependents at the employee's cost, within 30 days of the qualifying event or during the annual open enrollment period. Additional types of health insurance may be available through the cafeteria plan. For questions or a copy of the policy, contact Personnel Services.

### **11.16 DENTAL INSURANCE**

All full-time employees are eligible for dental insurance. Benefits begin after a thirty (30) day waiting period. The City pays all full-time employees' dental insurance premiums for those enrolled in the program offered by the City. Full-time employees may enroll dependents at the employee's cost, within 30 days of the qualifying event or during the annual open enrollment period. For questions or a copy of the policy, contact Personnel Services.

### **11.17 LIFE INSURANCE**

All full-time employees under the age of 65 are automatically covered under a group life insurance plan. Benefits begin after a thirty (30) day waiting period. The City pays all costs associated with this policy.

Employees over 65 years of age are covered at a reduced amount, as designated in the group policy.

For other details or a copy of the policy, contact Personnel Services.

### **11.18 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

Employees who lose insurance coverage because of termination of employment (other than for gross misconduct) or reduced hours may continue coverage for the period established by COBRA for the employee and his/her dependents. Continued coverage ends when: The period ends; the employer ceases to provide a group health plan to any employees; the employee becomes covered under any other group health plan or becomes eligible for Medicare; or the premium is not paid.

A dependent is eligible to continue coverage under this program for a qualifying event, as follows: Death of the employee; divorce or legal separation of the employee; the employee becomes eligible for Medicare; or the dependent child is no longer eligible for coverage.

The employee will receive written notification of COBRA eligibility and requirements from Personnel Services, upon notice of qualifying event. For more information or a copy of COBRA coverage, contact Personnel Services.

## 11.19 RETIREMENT

The City of Republic became a member of the Missouri Local Government Employees Retirement System (LAGERS) on March 1, 2009. All full-time General Employees, Police Officers and Firefighters become members of LAGERS after six (6) months of employment. Any part-time employee working 1,500 hours or more a year is also eligible for membership in LAGERS. For more detailed information on LAGERS, please contact Personnel Services.

## 11.20 CAFETERIA PLAN

The City of Republic provides a Cafeteria Plan to allow employees to take out insurance premiums for children, spouses, etc, before taxes. Included under the Cafeteria Plan is a Flexible Benefit Plan that allows employees to put money aside before taxes to be used for annual qualifying medical expenses and/or dependent care coverage. For additional information, please contact Personnel Services.

## 11.21 UNIFORMS AND ALLOWANCES

The City may purchase uniforms and other clothing as department budgets allow. For specific details, discuss this item with your supervisor.

## 11.22 EMPLOYEE IDENTIFICATION

### A. PURPOSE

Employee Identification is designed to allow the public to clearly identify the City employee they are communicating with as well as provide accountability and controlled access to city facilities.

### B. PHOTO IDENTIFICATION

At the time of appointment or soon thereafter, every employee shall have their photograph taken. This photograph will be used for the identification and security access card and may be used for the employee newsletter or other official city business.

### C. DISPLAY OF IDENTIFICATION CARDS

Employees must display the identification card, city name tag, or badge, at all times while performing job duties away from city offices. Identification must be in plain sight above the waist when display is required.

For those employees in safety sensitive positions or in a position where the identification card might get caught in equipment or tools, the identification badge may be kept in a pocket, wallet, or other card carrying device, provided that the employee has the badge with them at all times while on duty.

For those employees who already have a name badge either attached to or sewn onto their uniform or clothing, display of the identification badge is not required but must be kept in a location to allow the employee to immediately produce the identification upon demand.

#### D. SECURITY GUIDELINES

The identification badge may also provide authorization for clearance to access entrance doors to designated facilities.

The Department Head will consult with the Information Technologies Director for programming the identification card and the ability to access designated facilities. If there is a disagreement between the Department Head and the Information Technologies Director the decision shall be made by the City Administrator.

Employees shall notify their immediate supervisor and the Information Technologies Director immediately if a card is lost, damaged, or stolen as access to the designated facilities is compromised and could result in the loss or destruction of city property.

Should a card be lost, stolen, or damaged, employees shall be responsible for the replacement cost of the identification card. Cost for the replacement card will be reviewed and established on an annual basis.

### 11.23 ADVANCEMENT OF SICK LEAVE

An employee may request the advancement of sick leave in the event of a personal serious disability or ailment related to the employee only; other than Workers' Compensation related injuries. The request for the advancement of sick leave must be submitted in writing to the Director or Human Resources and must be approved by the employee's Department Head and City Administrator. A personal serious disability or ailment is defined as one that lasts for at least ten (10) consecutive work days and is supported by a medical certificate. The maximum amount of sick leave that an employee may be advanced is two (2) years accrual (192 hours). The employee will be required to exhaust all available accrued leave (vacation time, sick time, and personal days) prior to sick leave being advanced. Employees will also be asked to sign an acknowledgment of the indebtedness for the advanced leave. Upon return to active duty status, the employee shall repay the advancement of sick leave as it is subsequently earned.

If an employee, indebted for advanced sick leaves, separates from city services, the leave debt will be collected by either of the following methods:

- A. Deduction from final salary due employee and/or;
- B. Direct monetary settlement from employee.

In all instances, the employee's ability to repay the debt incurred will be considered prior to approving the advancement of sick leave.

Employees with greater than one (1) year of continuous service with the City of Republic will be eligible for this benefit. *(Section 11.23 approved by City Council 1-11-10 – Ord. #09-46) (Section 11.23 revised by City Council 1-27-14 – Ord #14-02)*

## SECTION TWELVE - ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY

**At this time, the City of Republic will continue to use the Alcohol and Controlled Substance Policy adopted by the Council on March 24, 2008. A revised Alcohol and Controlled Substance Policy will be brought to the Council for approval at a later date.**

The City of Republic is a Zero Tolerance Workplace. It is the policy of the City of Republic to provide safe, dependable, and economical services to its citizens, 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 of Republic to provide healthy, satisfying, working environments for its employees.

To meet these goals, it is the policy of the City of Republic 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.

### A. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of 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 breath alcohol content 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 collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested for the preservation of confidentiality, and for certain reporting.

### B. APPLICABILITY

This policy applies to all employees 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, emergency services personnel, and other safety sensitive positions in their jurisdiction. All contractors of the City of Republic shall be required to state in writing that they comply with the provisions of this act and its implementing regulations while engaged in services for the City of Republic or in activity while on City of Republic

property as a condition of the award of any such contracts for services or work and the continuation of same.

#### C. POLICY ADMINISTRATOR

The City Administrator shall be designated as the controlled substance and alcohol policy administrator for the City of Republic. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The City Administrator shall designate a position to be identified to the public and to employees whose incumbent is the primary person responsible for implementation and administration of this policy under the supervision of the City Administrator, if the person is not the chief administrator of the jurisdiction.

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 Personnel Services of the City of Republic. Individuals who are applying for positions with the City of Republic 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.

#### D. ALCOHOL AND CONTROLLED SUBSTANCE PROHIBITIONS

An employee is prohibited from operating 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 and possession of a controlled substance at any time whether on or off duty and prohibited from the unauthorized possession or use of alcohol while on duty.

Upon a finding in a disciplinary proceeding that an employee has tested positive for a controlled substance or a finding that an employee was in possession of an unauthorized controlled substance, the employee will be terminated.

An employee previously terminated for a violation of the controlled substance policy may not apply for employment with the City for twelve (12) months after termination and the employee must comply with all pre-employment testing requirements of this policy.

Any employee convicted of illegal conduct related to controlled substances or alcohol, who fails to report such a conviction to the policy administrator, shall be subject to 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 policy administrator of such consumption upon reporting to work and prior to engaging in any work related activity, or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service.

#### E. CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS

Employees subject to the Alcohol and Controlled Substance policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing, random testing, reasonable suspicion testing, post-accident testing and return to work testing.

##### 1. PRE-EMPLOYMENT TESTING

Pre-employment urine drug testing shall be required of all employees as a condition of employment. Upon notification by the City, an applicant must report for testing within two (2) business days. Failure to report for testing within this time frame shall be viewed the same as a failure of the drug testing policy.

Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety sensitive functions.

Failure of a controlled substance or alcohol test disqualifies an applicant from appointment to consideration for employment for a period of one year. In order to apply after the one year period, applicant must provide current (within the past thirty (30) days) documentation or test results from a Substance Abuse Professional (SAP) indicating the applicant is negative for evidence of controlled substance or alcohol dependency.

An applicant may provide written authorization allowing the applicant's current or previous employer to provide the City with drug testing information related to that employment. An applicant previously terminated by the City for a violation of the controlled substance policy may not apply for city employment for 12 months after such termination and the applicant must comply with all pre-employment testing requirements of this paragraph.

When there is a break in employment with the City of three (3) months or more, pre-employment testing and background investigation will be required before re-employment.

## 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 on the basis of 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, whether or not the person is the employee's immediate supervisor, is required to complete and submit their concerns in writing 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 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 after an accident, or testing shall be required where injury to a person requires transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur. Testing shall include both breath alcohol and urine drug testing of the employee.

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 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.

#### 4. RANDOM TESTING

Random testing shall be conducted on all persons covered by the Alcohol and Controlled Substance Testing 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 as 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 may be required for an employee who has been off work due to an injury on the job, temporary layoff or other reason as deemed necessary by the policy administrator. The employee must test negative in order to be permitted to return to work.

If an employee is suspended from work duties as a result of participating in prohibited conduct regarding alcohol use, the employee will be required to take an alcohol test before returning to duty and must have a result of under .02. If they do not test negative, they will be suspended without pay until they are able to return to work.

If an employee tests positive for substance abuse on their return to work test, they will be subject to section 12 Subsection D of this policy concerning failure of a drug test.

#### 6. FAILURE TO TEST

Any on duty employee or employee scheduled to appear at work within eight (8) hours 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 follow related to positive testing including termination.

Any on duty employee or an employee scheduled to appear to work within twelve (12) hours 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 of the consequences that follow 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 of the consequences that follow including termination.

## F. 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. If found to have engaged in prohibited alcohol conduct under this policy, employee shall be immediately removed from work-related activity for a minimum of twenty-four (24) hours; and 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. Employee will not be paid during this time frame.

### 2. CONTROLLED SUBSTANCES

Controlled substance testing is conducted by analyzing an employee's urine specimen at a laboratory certified and monitored by the U.S. Department of Health and Human Services for the following controlled substances:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)
- Barbiturates
- Benzodiazepines
- Propoxyphene
- Methadone
- Methaqualone

The testing for controlled substances is a two (2) stage process. First a screening test is conducted. If the test is positive for one (1) 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 of Republic Medical Review Officer (MRO) to determine if there is a legitimate medical reason for the positive test. If the MRO determines that there is no legitimate medical reason for the positive test, the employee shall be immediately suspended from work-

related activity and appropriate disciplinary proceedings shall be instituted.

### 3. REQUEST FOR ADDITIONAL TEST

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 control of the employee.

### G. 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 the 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 of Republic. The City of Republic disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

### H. REHABILITATION EFFORT

Any employee who is determined by the SAP to be in need of assistance for an alcohol related problem under this policy may be permitted to enter into a rehabilitation plan approved by the City of Republic, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City of Republic.

Rehabilitation assistance may only be granted to an employee once while employed by the City of Republic. 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 of Republic.

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 of Republic; and,
2. The employee agrees to refrain from any violation of this policy and the use of 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 of Republic relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and,
4. The employee agrees to unannounced random testing for 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 alcohol test standards; and,
6. The employee agrees that any future alcohol violations shall be considered as a resignation from employment with the City without recourse.

#### I. CONTRACTUAL SUPPORT PROFESSIONALS

The City of Republic shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulation in conformity with the standards established under the federal regulations. The City of Republic may contract for the required alcohol testing or may perform the testing using qualified personnel who utilize appropriate testing equipment.

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

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

#### J. EDUCATION AND TRAINING

The City of Republic shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City of Republic 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 acknowledgment by signature witnessed by the supervisor providing the materials.

The City of Republic 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 programs on the physical and behavioral effects on personal health, safety and work environment and performance indicators on the effects of alcohol or controlled substance use and abuse, the side effects of alcohol and controlled substance abuse, and the consequences of prohibited work-related activity involving alcohol consumption or prohibited activity involving controlled substances. The training shall include an overview of this policy and its implementation and application to employees. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation, and record keeping. The training may include other components that the policy administrator, the MRO, and/or the SAP believe can enhance the program administration and awareness of problems and treatment related to alcohol and controlled substance use. The training may also provide components related to the City of Republic sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.

#### K. CONFIDENTIALITY

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City of Republic, 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 of Republic and shall be kept in a secured location. 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.

Any person who breaches the confidentiality provisions of this policy shall be subject to immediate termination from employment and/or from any contractual relationship with the City of Republic without recourse.

#### L. DISCIPLINARY ISSUES

Unless otherwise specified in this policy, the City of Republic 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. If an employee is dismissed from service, the City shall end the contract for rehabilitation assistance as provided by law.

Any supervisor 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 as a result of violation of City of Republic policy or state and federal laws, or as provided in the workers' compensation laws.

#### M. COORDINATION WITH OTHER LAWS AND POLICIES

This policy shall be administered in compliance with other federal, state and local laws related to employee health and welfare policies, leave policies, benefit programs and other related policies of the City of Republic. 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.

In the event that any part of this policy is judicially determined to be in 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 so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws. Such changes in policy as may be required under this paragraph may be made pursuant to Section 1.5 of this policy.

#### N. AMENDMENTS

This policy is subject to amendment pursuant to Section 1.5 of this policy. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

## **SECTION THIRTEEN - ORGANIZATION FOR PERSONNEL SERVICES**

### **13.1 HUMAN RESOURCE DEPARTMENT**

#### **A. APPOINTMENT AND QUALIFICATIONS OF THE DIRECTOR**

At such time as it is determined to be needed, a Human Resource Department may be funded and staffed to the extent necessary to tend to assigned duties. Until a Department is established, the City Administrator shall perform the duties set forth in Paragraph B. Upon the Department being funded and staffed, the Director of the Human Resource Department shall perform the duties in Paragraph B. The Director of the Human Resource Department shall be selected by the City Administrator on the basis of training, experience, and qualifications in human resources administration.

#### **B. POWERS AND DUTIES OF THE DIRECTOR**

The Director of the Human Resource Department shall have authority and is required to:

1. When applicable, hold competitive examinations for appointments in the classified service.
2. Give publicity to all announcements of competitive examinations.
3. Establish training and educational programs for municipal employees.
4. Annually report to the City Administrator regarding the operation of human resources provisions.
5. Prepare and recommend to the City Council such rules as may be considered appropriate to carry out the provisions of this manual.
6. Prepare, install, and maintain a classification plan based on the duties, authority, and responsibility of positions in the city service.
7. Keep or supervise the keeping of such employee's records as may be required by all applicable laws.
8. Perform such other duties as may be required by ordinance or by the City Council.

#### **C. PERSONNEL SERVICES**

The duties set forth in this manual to be performed by Personnel Services staff may be assigned as a part of the duties to be performed by the Director of the Human Resource Department and the Human Resource Department.

### **13.2 DEPARTMENT HEAD RESPONSIBILITIES**

Department Heads are responsible for effective personnel management within their departments. They may:

- A. Develop work rules and regulations consistent with this manual.
- B. Delegate authority to supervisors to administer this manual and any departmental work rules and regulations developed pursuant to it.
- C. Establish objectives and programs to improve personnel management within the department.
- D. Approve all personnel actions relating to their departments such as vacation leave, overtime, evaluations, sick leave, etc.

### **13.3 APPROVAL OF DEPARTMENT HEAD PERSONNEL ACTIONS**

The City Administrator shall approve all personnel actions related to department heads.