



# Employee Handbook

Adopted January 19, 2011

## **The Customer is the Boss**

To enjoy a satisfying career with the City of Concordia, you need to treat the people you encounter in your job as if they are the best customers a business ever had. We serve thousands of customers every day. They include not only the residents who support us with their property taxes and vote for our city commissioners, but also the visitors, students, shoppers, and travelers who rely on us and support us with their local sales taxes and their state and federal taxes.

Your career may bring you into contact with citizens who are not pleased. People depend on us for essential needs. They may become upset if those services are interrupted. And in order to protect the community, we sometimes must interfere with the desires of an individual. Arrests, fines, main breaks, potholes, and fires are part of our work. Treating everyone with the respect and consideration due to a good customer will earn us the good will of the customers we serve.

This handbook will inform you of your benefits and of your employer's expectations. The goal of our organization is to build community for those of us who live here now and for the people who will live here in the future. We appreciate your decision to join us, and we hope you will find this a good place to work.

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## **INTRODUCTION**

### **Statement of Purpose**

This handbook has been developed for the purpose of explaining the rules, policies and procedures affecting employees of the City of Concordia. The Employee Handbook shall become effective upon official adoption by the City Commission and shall supersede and repeal all existing personnel procedures and policies of the City. With the approval of the Department Head and the City Manager, departments may supplement this handbook with written procedures specific to departmental operations.

### **Equal Employment Opportunity Statement**

Equal Employment Opportunity will be assured in the personnel system and affirmative action provided in its administration. All decisions regarding recruitment, hiring, promotions and other terms and conditions of employment will be made without discrimination on grounds of race, sex, disability, religion, age, color, national origin or ancestry, or other factors which cannot be lawfully used as a basis for an employment decision.

### **At-Will Employment**

The City of Concordia is an at-will employer. The employer can discharge an employee for any reason or no reason at all, with or without notice, and the employee can leave the employer's employment at any time, for any or no reason at all, with or without notice.

### **Conditions of Employment**

This handbook is not a contract of employment. However, all of the sections of the handbook are conditions of your employment. By accepting an offer of employment from the city, you accept these conditions.

## DEFINITIONS

**Anniversary Dates:** The date of an employee's most recent hiring or the date of his most recent promotion.

**Certified Employee:** An employee who has successfully completed their training period and is, therefore, certified to serve in the position which he/she is performing.

**Certified Full-Time Employee:** An employee, who has successfully completed their training period, is employed on a year-round basis and works in the full regularly scheduled work week.

**Certified Part-Time Employee:** An employee, who has successfully completed their training period, is employed on a year-round basis, but for less than the average work week.

**Class:** A grouping of positions or jobs sufficiently similar in duties, authority and responsibilities that:

- A. The same descriptive titles can be used;
- B. The same aptitude or proficiency tests can be used; and
- C. The same pay grade can be applied with equity.

**Classified (or FLSA Non-Exempt) Employees:** Hourly employees subject to overtime provisions.

**Compensation Reduction:** Reducing the compensation rate one or more steps in the pay range.

**Compensation Schedule:** The array of pay grades applying to the City of Concordia employee handbook.

**Compensatory Time Off:** Paid time off the job which is earned and accrued by an employee in lieu of immediate cash payment for employment in excess of the statutory hours for which overtime compensation is required. It shall be earned at a rate of one and one-half hours for each hour of employment for which overtime compensation is required. Thus, the 150-hour limit on accrued compensatory time represents not more than 100 hours of actual overtime worked. Compensatory time off will be in lieu of monetary overtime compensation that would otherwise be required.

**Demotion:** The voluntary or involuntary movement of an employee from a position in one class to a position in another class having a lower maximum compensation range.

**Department:** As defined in City Code Article 4, Chapter 2.

**Department Head:** An employee that is in charge of a department. This individual may or may not have employees to supervise.

**Disability:** An individual with a disability is defined as:

- A. A person with a physical or mental impairment which substantially limits one or more major life activity(ies).
- B. A person with a record of such impairment.
- C. A person who is regarded as having such impairment.

And all others defined in the Americans with Disabilities Act of 1990.

**Dismissal:** The permanent separation from the City service.

**Division:** Separation of working units within a department.

**Grievance:** An expression of dissatisfaction relating to the interpretation or application of City and/or departmental personnel policies, rules and regulations; the relationship between the employee and his/her co-worker or supervisor; perceived unfair or inequitable treatment or discipline; and other conditions of employment.

**Immediate Family:** Includes an employee's parents, stepparents, spouse, children, sister or brother, grandparents, grandchildren, mother or father-in-law, and brothers or sisters-in-law. Does not include employee's spouse's grandparents.

**Job Description:** The summary of the actual duties and responsibilities assigned to a position. The description of duties and responsibilities is representative in nature and is not an exhaustive listing.

**Layoff:** The involuntary separation of employment because of lack of work, lack of funds or reorganization.

**Leave:** Periods of absence from work. Leave may be paid or unpaid as specified in this employee handbook.

**Non-Classified (or FLSA Exempt) Employees:** The Fair Labor Standards Act (FLSA) has defined certain occupations and industries that are exempt from the overtime provisions, including, but not limited to, white collar workers (e.g. executives, professionals, and administrators). Non-classified employees of the City of Concordia shall include all employees who by their positions can be exempt from the overtime provisions of the FLSA.

**Official Personnel Records:** The records and/or files related to an employee's job with the City which are maintained in the Personnel Director's office.

**Overtime:** All hours in pay status in excess of forty (40) hours in any scheduled work week for employees other than fire department, seasonal recreation employees, and sworn police officer personnel. These employees follow applicable guidelines as established in the Federal Labor Standards Act.

**Personnel Director:** The City employee designated by the City Manager as being responsible for the on-going administration of the policies and procedures in this handbook.

**Position:** An individual job or place of employment within the classified service.

**Promotion:** The movement of an employee from a position in one class to a position in another class having a higher maximum compensation.

**Seasonal Recreation Employee:** Employees who work during periods of significantly increased demand, which are of a regular and recurring nature, whose projected overtime hours during the period of significantly increased demand are likely to result in the accumulation during such period of more than 240 compensatory time hours (160 overtime hours).

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors or a verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly as a term or condition of the individual's employment.
- B. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**Suspension:** The temporary removal of an employee without pay.

**Temporary or Seasonal Employee:** An employee who is employed on less than a year-round basis or for a limited period of time.

**Training Period:** Six consecutive months following original appointment or promotion for all City employees. In the case of sworn Police Officers, the training period shall begin at the starting date of employment, but shall not include time spent at the law enforcement training academy.

**Transfer:** The movement of an employee from one department, division, shift or unit of the City to another; from one position to another position of the same class; or to another class having the same maximum compensation range.

**Vacancy:** Any unoccupied position within the organization which has been created by the promotion, transfer, demotion, termination or resignation of an incumbent, or any other opportunity created within the organization by the City Manager.

**Verbal Counseling:** An oral communication to an employee of the supervisor's observations of a work deficiency.

**Weapon:** Any firearm; any knife having a blade three inches or more in length, or any snap-blade or spring-blade knife regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor blade fitted to a handle; any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm; any dirk or dagger or bludgeon; any "taser public defender" or other similar electronic immobilizer which causes, by means of an electrical current, a person to experience muscle spasms and extreme pain, followed by unconsciousness.

**Work Day:** The work day shall be defined as 8 hours.

**Work Week:** The work week shall be defined as a regular recurring period of 168 hours, with seven consecutive twenty-four (24) hour periods. The work week does not have to be the same as the calendar week and may begin on any day of the week and on any hour of the day.

- A. Instead of the standard seven day work week, firefighters may establish work periods anywhere from seven to twenty-eight (28) consecutive days with the maximum hours in a work period for firefighters at 212 hours.
- B. Hours of work for uniformed police officers shall begin at 12:01 A.M. Saturday until 12:00 midnight the following Friday.
- C. Hours of work for employees covered by the Fair Labor Standards Act shall be recorded by a time clock system or an alternate system approved by the City Manager.

**Written Reprimand:** A written notice of a work deficiency placed in the personnel file of an employee.

**SECTION 1**  
**GENERAL PROVISIONS**

**1.1 GENERAL PERSONNEL POLICY**

The employees of the City of Concordia are selected, retained, and advanced on the basis of adequacy of job performance. Equal opportunity is provided to all individuals without regard to race, sex, disability, religion, age, national origin or ancestry, or other factors which cannot be lawfully used as a basis for an employment decision. All employees of the City are at-will employees.

**1.2 PURPOSE OF HANDBOOK**

The purpose of this handbook is to establish, maintain and explain a uniform system of policies and procedures which will be followed by the City of Concordia, Kansas, in the administration of its personnel program. The policies, procedures and provisions established herein are intended to provide an efficient, equitable and functional system of personnel administration principles which govern the appointment, promotion, transfer, layoff, dismissal and other related conditions of employment. The handbook and its provisions are designed to serve only as a guide to the City's policies and procedures and not as a contract of employment or warranty of benefits.

**1.3 ADMINISTRATION OF THE PERSONNEL PROGRAM**

- A. **City Commission:** The City Commission is responsible for establishing personnel policies and compensation. The Employee Handbook shall become effective upon official adoption by the City Commission and shall supersede and repeal all existing personnel policies and procedures of the City of its respective departments.
- B. **City Manager:** The City Manager will administer the personnel program consisting of all policies, procedures, classification plan and pay plan that are related to personnel in the service of the City, and perform any other lawful acts which may be necessary or desirable to carry out the purposes and provisions of these policies and procedures. Such acts shall include, but not be limited to, the following:
1. Interpreting, applying and enforcing personnel policies, procedures and provisions as delineated in the Employee Handbook and other Administrative Policies.
  2. Initiating amendments and revisions to these policies and procedures at such times as necessary or warranted by change in city, state and federal laws regarding employment practices.
  3. Initiating or revising job descriptions, wage and compensation schedules, benefit plans and programs, and performance evaluation systems as necessary.
  4. Enforcing all applicable state and federal employment laws and their resultant effect upon personnel policies, procedures and practices.
- C. **City Clerk:** The City Clerk is responsible for:
1. Administering recruitment and selection procedures in city employment.
  2. Maintaining records for employees in the City service.
  3. Administering employee benefit programs including health insurance, vacation and sick leave, workers' compensation and retirement programs.
  4. Fostering employee communications and effective human relations.
  5. Maintaining equal opportunity procedures.
  6. Updating City personnel regulations.
  7. Performing other personnel duties as assigned by the City Manager.
- D. **Department Heads and Supervisors:** These individuals are expected to give efficient and effective supervision to their employees, and are responsible, along with the City Manager, for carrying out the provisions of the personnel program with their individual departments, divisions and work units. These responsibilities include, but are not limited to the following:
1. Recruitment of employees to their department.
  2. Informing employees under their direction of City personnel policies.
  3. Responding to employee grievances.
  4. Recommending pay action, promotion, demotion, dismissal and transfer.

5. Assuring the safety of employees in their work.
6. Evaluating the job performance of their employees.
7. Disciplining employees when necessary.
8. Insuring that adequate training and instruction is given to their employees.
9. Approving leave for employees in their department.

**1.4 DEPARTMENTAL REGULATIONS**

The head of any department may formulate, in writing, department rules and regulations governing the conduct and performance of employees. Departmental rules and regulations shall not conflict with provisions of these policies and regulations and shall be approved by the City Manager. Such rules and regulations, when approved and distributed, shall have the force and effect of rules of the department and disciplinary action may be based upon breach of such rules and regulations.

**1.5 REVISIONS AND/OR ADDITIONS TO HANDBOOK.**

The policies, procedures and provisions of this manual are issued by the authority of the City Manager. Revisions and additions to these policies, procedures and provisions are subject to change at the City's discretion in order to maintain their legal compliance, operational effectiveness and the general scope of desired work-place conditions. Upon amendment of any part of this manual, the City will endeavor to use normal communication channels to apprise employees in a timely fashion of such changes and their effect.

**PROCESS FOR ANNUAL REVIEW**

- A. **Amendment of Policies:** Amendment of these Policies and Procedures shall be made in the following manner:
1. In October of each year, the Personnel Director shall solicit, by memorandum, that all Department Heads submit proposed amendments for review.
  2. After review, the Personnel Director shall present a copy of the proposed amendments to the City Manager.
  3. The City Manager shall review the proposed amendments and present needed recommendations to the City Commission for their action.
  4. Additionally, if it is found during the year that policies need added, deleted or amended the above process will ensue.
- B. All amendments shall become effective upon approval by the City Commission.
- C. It is the desire of the City to provide an opportunity to City employees to have input into the above referenced process. Department Heads are encouraged to solicit comments and suggestions from their employees concerning proposed amendments to this handbook.

**1.6 SEPARABILITY**

If any section, sub-section, sentence, clause, phrase or portion of this handbook is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**1.7 DISTRIBUTION OF HANDBOOK**

Copies of the ~~manual~~ handbook shall be issued to all non-seasonal newly hired fulltime employees. Holders of the handbook shall be responsible for inserting revisions and additions as they are issued and keeping their respective copies of the handbook up-to-date. Employees will acknowledge receipt of the handbook.

**1.8 STORAGE AND CONTENTS OF RECORDS**

All personnel records and files shall be collected and maintained by the Personnel Director. The files shall contain all pertinent information related to the employee including, but not limited to: application for employment, work history, training, education, compensation, awards, performance appraisals, letters of recommendation or reprimand, promotion and transfer records, and other vital information.

**1.9 CONFIDENTIALITY OF PERSONNEL RECORDS**

- A. Personnel files shall be kept confidential, not open to public inspection, with access limited to the City Manager, Personnel Director, Department Head, the employee's supervisor, and the City Attorney. Employees will be given reasonable opportunity in the presence of the Personnel Director to examine their official and permanent file.
  
- B. The City will not disclose data in the personnel file about employees or former employees to anyone outside the City except as follows:
  - 1. The employee gives written permission;
  - 2. To comply with a court order, subpoena or other legal requirement, and,
  - 3. To confirm employment dates, job classification and work location.

**1.10 ACCESS TO PERSONNEL RECORDS/FILES**

Individual personnel records and files shall be considered confidential and the property of the City. Official personnel records and files or information contained therein are not available to the general public except upon the written consent of the affected employee. The following provisions shall apply regarding an employee's access to his/her official personnel records/files:

- A. Each employee shall be allowed to inspect and make copies of his/her personnel records. A written request to do so shall be directed to the Personnel Director, who will schedule a time for inspection that is convenient for both the employee and the department.

**1.11 PAYMENT OF COMMERCIAL DRIVER'S LICENSE**

The City will pay the cost of obtaining commercial drivers license training and the initial license. If the employee fails the test, subsequent charges will become the responsibility of the employee. The renewal will be paid, if required for the job as defined in the job description.

## SECTION 2 POSITION CLASSIFICATIONS

### 2.1 **CLASSIFICATION**

Each position in the City Service is placed in a grouping called a class. The positions are grouped on the basis of similar types of work and amount of responsibility for the position. Seasonal, temporary and non-certified positions shall be excluded. Classes may be established, combined, approved or abolished with the approval of the City Manager.

### 2.2 **CLASSIFICATION PLAN**

A Position Classification Plan, based upon and graded according to assigned work duties and responsibilities shall be developed and maintained to provide standardization and proper classification of all positions in the classified service of the City. The Position Classification Plan shall include:

1. An outline of classes of positions in the classified service arranged in appropriate occupational groups.
2. Job descriptions in such form as prescribed by the City Manager.
3. The Position Classification Plan shall include descriptions for each position, the grouping of positions by grade and a compensation schedule for the positions.

### 2.3 **CLASSIFICATION OF POSITIONS**

In assigning any position to a class, the specification for the class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, required educational and experience qualifications for such position, and the relationship thereof to other classes. The examples of duties set forth in such job description shall not be construed as all inclusive or restrictive, and an example of a typical task or a combination of two or more examples of work performed shall not be taken, without relation to all parts of the specification, as determining that a position should be included within a class.

### 2.4 **JOB DESCRIPTIONS**

The Personnel Director shall maintain and update a master set of all approved job descriptions. Such job descriptions shall constitute the official class specifications of the position classification plan. The Personnel Director shall provide each Department Head with a set of job descriptions for the Position Classification Plan. Such job descriptions, in the Personnel Director's office, shall be open for inspection by employees, interested individuals and the public during regular business hours.

#### A. **Nature of Job Descriptions**

Job descriptions are descriptive only and not restrictive. They are intended to indicate the kind of positions that are to be assigned to the respective classes as determined by their duties and responsibilities and shall not be held to exclude those duties and responsibilities which are not specifically mentioned, but similar as to kind and level.

Each position description shall include, but is not limited to, the official title, the Supervisor of the position, examples of duties and responsibilities, required experience, training and education, scope of supervision required, level of decision-making, working conditions and amount of physical strength required.

#### B. **Interpretation of Job Descriptions**

In determining the class to which any position shall be assigned, the job description for each position shall be considered as a whole. The job description is intended to indicate the kinds of positions that are assigned to the classes, as determined by their assigned duties, responsibilities, and specific tasks and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the authority of any Department Head to assign, direct, and control the work of employees under his/her supervision.

- C. **Use in Selection Process**  
The specification for any class as interpreted herein, may constitute the basis and source of authority for the recruitment and for the tests to be included in examination for the class and for the evaluation of the qualifications of candidates.
- D. **Position Titles**  
The job title shall be the official title of every position assigned to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates and official records. Administrative titles or other working titles authorized by a Department Head may be used to designate any position for purposes of internal administration.

**2.5 MAINTENANCE OF PLAN**

The classification plan shall, from time to time be reviewed so as to provide for changes in class duties necessitated by organization adjustment, improved methods or new or revised service programs. The City Manager shall approve all new or revised class specifications and may reclassify any employee when such action is deemed desirable.

**2.6 CHANGES IN DUTIES**

Whenever permanent, substantial changes are made in the duties and responsibilities assigned to a position, notification shall be given in writing to the Personnel Director within thirty days. Such notification shall set forth the actual primary duties and other essential duties now assigned to the position. This information is to be included in the position description and the amended position description shall be refactored.

**2.7 STAFFING PATTERNS**

- A. The Personnel Director shall maintain the staffing pattern for each department showing the classification grade for each position, position number, the official title, pay range and such other information as may be necessary. It shall also show the name of the incumbent, unless the position is vacant, in which case the vacancy shall be indicated.
- B. The current fiscal year compensation of each incumbent shall be listed on the staffing pattern.
- C. If the position is vacant, the compensation shown shall be that of the compensation of a new hire in that vacant position.

**2.8 REQUEST FOR NEW AND TEMPORARY EMPLOYEES**

- A. Any request for a new position to be established before the succeeding fiscal year, shall be submitted initially to the City Manager together with a description of the duties to be assigned, an explanation of why the position is needed and any other pertinent information or comments.
- B. Upon receipt of the request, the City Manager shall examine the need for the position.
- C. Upon completion of the examination, the City Manager shall inform the Department Head in writing whether the new position shall be recommended for approval or denial. If recommended for approval, the City Manager shall submit the new position description to the Personnel Director for classification.

Recommendation for approval should set forth the proposed compensation for the position, as well as the reasons why it should be approved and the funds available for the new position.

The City Manager shall submit his/her recommendation to the Mayor and City Commission for action.

- 1. No new positions shall be approved unless there are sufficient funds available in the budget for the department.

2. A request for a new position to be established in a succeeding fiscal year shall be included in the budget request together with the explanation thereof and supporting information.

D. **Unauthorized Staff**

No personnel may be hired in excess of the authorized number of job classes other than authorized, or in grades other than authorized on the staffing pattern, except as provided in this section.

E. **Temporary Employees**

Any request for a temporary employee shall be submitted in writing by the Department Head to the City Manager together with a description of duties to be assigned, an explanation of why the position is needed, and any other pertinent information.

1. After a review of the need for the position, the City Manager shall approve or deny the request and inform the Department Head in writing of the reasons for his decision.
2. If approved, the Personnel Director shall establish the compensation for the position, based upon a recommendation from the Department Head.

**SECTION 3  
COMPENSATION**

**3.1 PAY PLAN ESTABLISHED**

There shall be established by resolution of the City Commission a minimum and a maximum rate of pay for every office or class of positions in the municipal service such to be known as the pay plan, except for all contractual employees of the city.

**3.2 EMPLOYMENT COMPENSATION**

A certified employee shall be paid at a rate of compensation within the pay range prescribed by the pay plan for the office or class of positions to which the employee is assigned.

**3.3 RESPONSIBILITY FOR ADMINISTRATION**

The City Manager shall be responsible for administering the pay plan for all offices and positions in an equitable manner.

**3.4 INTERPRETATION OF PAY PLAN**

The City Manager shall be responsible for interpreting the application of the pay plan to compensation matters not specifically prescribed herein using the principles expressed herein as a policy guide.

**3.5 REVIEW OF PAY PLAN**

Prior to the submission of the annual budget, the City Manager shall review the pay plan and submit his findings, together with any recommendations for amendment to the City Commission.

**3.6 PAY OF NEW EMPLOYEES**

The beginning compensation of each newly appointed officer or employee shall be established by the City Manager prior to the effective date of employment and shall be within the appropriate compensation range. Generally, employees will be hired at the base rate of pay for a position.

**3.7 COMPENSATION INCREASES**

Pay increases are not routine or automatic, and are subject to approval by the City Manager. Step increases, based on performance evaluations by Department/Division Heads, may be granted upon the satisfactory completion of a training period or at the conclusion of the annual evaluation of employee performance.

If an employee fails to achieve a satisfactory or above overall rating on his/her performance appraisal, then he/she would be eligible for a reevaluation 6 months following his anniversary date. A step increase may be authorized at this time.

For non-classified employees, the City Manager may give no more than a two-step increase following an excellent written evaluation.

**3.8 OVERTIME**

A. **Authorization** All overtime work, compensatory time, and payment for overtime, must be approved by the appropriate Department Head or his/her designee.

B. **Rate of Pay**

1. **Classified Employees.** All classified employees covered by these policies shall be compensated for overtime for all hours worked in excess of 40 in any work week at the rate of one and one-half (1 ½) times their regular hourly rate of pay.
2. **Fire Department Personnel:** Full-time firefighters shall be eligible to receive overtime compensation only for work hours in a work period which exceeds 212 hours per 28 day work period.

3. **Police Department:** Sworn personnel shall be eligible to receive overtime compensation only for work hours in a work period which exceeds 86 hours per 14 day work period.
4. **Seasonal Recreation Employees:** Seasonal recreation employees shall earn paid time off the job which is accrued in lieu of overtime for employment in excess of the statutory hours for which overtime compensation is required. It shall be earned at a rate of one and one-half (1 ½) hours for each hour of employment for which overtime compensation is required.

C. **Computation of Overtime Hours**

For the purpose of computing overtime, sick leave, holidays and vacation leave shall not be considered as time worked, except with respect to emergency call out duties, pursuant to section 3.10. Overtime will be computed and paid to the nearest quarter hour.

D. **Distribution/Assignment**

1. To the extent feasible, overtime will be distributed as equally as possible among full-time employees of the same classification in a department who are willing to work overtime, provided the employees concerned are equally capable of performing the duties required in the judgment of the Department Head or Supervisor.
2. In the overtime distribution assignment process, employees may decline overtime work; however, the Department Head or his/her designee shall have the right to require the performance of overtime work.

**3.9 CALL BACK PAY**

Each department having requirements for employees to be "on call", shall have in writing a call back policy for that department which shall be approved by the City Manager.

**3.10 EMERGENCY CALL IN AND/OR CALL BACK**

A. **Authorization**

In the event of conditions that necessitate the City to call in and/or call back employees to duty, the Supervisor may call to duty any employee who is off duty. Employees shall make themselves available for duty as soon as possible, upon such notification.

B. **Procedure**

Each City department and/or division has established procedures for the call in/call back of employees. Employees should consult with their Supervisors regarding the procedures established for their work units.

C. **Call In Pay**

All eligible employees who are called in to work prior to their normal starting time and continue into their regular work day, shall receive their normal rate of pay. Except in case(s) of emergency, work schedules will not be changed to avoid the payment of overtime by utilization of the call in procedure.

**3.11 HOLIDAY COMPENSATION**

Employees scheduled to work a holiday are paid for the holiday as opposed to taking another day off for the holiday.

A. **Certified Full-Time Classified Employees**

Certified full-time classified employees required to work on an observed holiday shall be compensated for hours worked at a rate of time and one half, in addition to their regular holiday pay.

B. **Certified Non-Uniformed Part-Time Employees**

Certified non-uniformed part-time employees shall be paid for observed holidays which fall on days for which they would otherwise be scheduled for work in an amount equal to the wages they would have earned according to the number of hours for which they would be

scheduled to work during the week and pro-rated on a daily basis. Certified part-time employees required to work an observed holiday will be paid for the hours worked.

C. **Uniformed Public Safety Department Personnel**

Employees who work on a shift rotation are paid for all observed holidays whether they are scheduled to work on an observed holiday or not. An employee who works on a holiday shall be paid for the observed holiday on a regular pay basis and shall be paid at the overtime rate (time and one-half) for the hours actually worked up to a maximum of eight (8) hours per shift. The observed holiday period shall begin at 12:01 o'clock a.m. and end at 12:00 o'clock midnight.

D. **Seasonal and Temporary Employees**

Seasonal and temporary employees shall not receive paid holidays.

E. **Required Attendance**

In order to receive holiday benefits, an employee must be eligible to receive pay on the work day preceding the following holiday. Employees on unpaid leave of absence shall not receive holiday pay.

**3.12 USE OF PERSONAL AUTOMOBILE**

Any employee authorized by the City Manager or his/her Department Head to use a personal automobile for official City business, shall be reimbursed for such use according to the Internal Revenue Service mileage allowance upon proper filling out of an Expense Report including total calculated mileage and reasons for the travel. This reimbursement is non-taxable to the employee.

**3.13 PAY PERIOD**

A pay period consists of two (2) weeks for most employees and four (4) weeks for firefighters except the Fire Chief. All employees except firefighters will be paid every other Friday (bi-weekly) for the previous two weeks worked. Firefighters will be paid thirteen (13) times a year for the 28-day work period preceding the work week in which they are paid. In the event a payday falls on a holiday, the preceding day shall be the payday.

**3.14 RATES OF PAY**

The bi-weekly rate of pay shall be the annual rate divided by twenty-six (26). The rate of pay for Fire Department employees, except the Fire Chief, shall be the annual rate divided by thirteen (13). To determine the hourly rate of pay shall be the annual rate divided by two thousand eighty (2,080) for most City employees and the regular rate of pay divided by the number of hours in a regular tour-of-duty for that particular pay period for firefighters.

**3.15 PAY AND BENEFITS ON TERMINATION**

A. Upon separation, an employee will receive his/her final paycheck, including any eligible accrued benefits.

**3.16 COMPENSATION ADMINISTRATION POLICIES AND GUIDELINES**

A. The City Manager shall prepare annually a Compensation Administration Policy Manual which establishes policies and guidelines regarding:

1. Entrance rates of pay.
2. Pay rate adjustments upon completion of training periods, promotion, demotion, transfer and reclassification.
3. Annual performance evaluation pay adjustments.
4. Permanent part-time or temporary employee pay.

B. The Compensation Administration Policy Manual shall be considered a part of this section and shall have the same force and affect as these personnel policies.

**SECTION 4  
EMPLOYMENT**

**4.1 DETERMINATION OF QUALIFICATIONS**

- A. The determination as to whether a person meets the specified qualifications set for the position shall be made by the Department Head after a review of the applicants' academic credentials, work experience, examination results and any other pertinent information.
- B. Written, oral or relevant examinations may be required to determine whether the qualifications for a position have been met by an applicant or appointee.
- C. Lesser or alternative qualifications may be accepted if the Department Head determines that it is not possible to fill a position at the compensation authorized in a reasonable length of time by a person who meets the qualifications as specified in the Position Classification Plan or if the alternative qualifications are equivalent to those established for the position.

**4.2 RECRUITMENT, FILLING POSITIONS AND TRAINING PERIOD**

The City may fill any vacant position through promotion, transfer, or original appointment. Whenever possible, within applicable affirmative action and equal employment opportunity guidelines, all vacancies occurring in positions within the City may be filled by either the promotion or transfer of a qualified employee. The following procedures shall be followed when a vacancy occurs in a position within the City:

A. **Recruitment**

- 1. When a vacancy exists or is anticipated, the Department Head shall notify the City Manager of the vacancy in writing as soon as possible and request the recruiting of applications.
- 2. After approval by the City Manager to fill the position the Personnel Director shall begin the recruiting process.
- 3. The Department Head, with the concurrence of the City Manager, may fill the vacancy by promotion or assignment of current personnel.

B. **Training Period**

Any newly appointed or promoted employee shall serve a six month training period in the position to which he/she was appointed or promoted. For newly hired or rehired sworn police officers, the training period shall begin at the starting date of employment, but shall not include time spent at the law enforcement training academy.

C. **Dismissal or Demotion**

- 1. Any employee in training status may be dismissed at any time for failure to perform his/her duties, except that a promoted employee in training may be demoted to a lower position in lieu of dismissal, or be transferred to a lateral position after demotion.
- 2. Dismissal or demotion of a training status employee, except for a promoted employee in training status, shall be final and not subject to review as provided for in the City's Grievance Policy.

D. **Attainment of Certified Status**

- 1. The Training status employee shall have their performance reviewed as provided in Section 4.2(B).
- 2. If the Employee's overall performance evaluation rating is satisfactory or above, he/she shall be certified to the position.
- 3. If the newly hired employee's overall performance evaluation is below satisfactory, the Department Head may continue the employee's training period not to exceed six (6) months. If the employee successfully completes an extended training period he/she shall be certified to the position.

**4.3 APPLICATION TO FILL VACANCY**

- A. Any employee who has achieved regular status may submit an application for consideration when a vacancy occurs. A current City employee on a promotional probation, may submit an application for a vacancy. Applications shall be made on the appropriate form and submitted to the Personnel Director.
- B. Employees shall be allowed to make application for a vacant position during regular duty hours. The employee's supervisor shall determine the time that the employee may be allowed to make application. However, at all times, the employee shall be permitted to make application prior to the closing date and time indicated by the notice announcing the job vacancy.

**4.4 SELECTION AND APPOINTMENT**

The selection and appointment of employees to fill vacant positions within the City shall be on the basis of qualifications, merit and ability to perform the duties of the position.

**4.5 TRANSFERS**

- A. All employees covered by these Policies may make an application requesting a transfer to another department at any time there exists a vacancy.
- B. A vacant position may be filled by transferring an employee. Any person employed by the City who is serving a training period for initial employment, may be transferred from a position in one department or division to a position of the same or similar class in another department or division provided no other regular full-time employee is interested in the position. Such transfer shall be with the consent of the employee to be transferred and the Department Head of the department to which the employee is to be transferred.
- C. In the event of interdepartmental transfer, the relinquishing department may delay the transfer for a maximum of thirty (30) work days.
- D. No employee shall be transferred to a position to which he/she does not meet or possess the required minimum qualifications.
- E. Nothing in this section shall be construed to interfere with the right of the City Manager or his/her designee to assign or reassign employees within a given class among the various departments under the control as deemed in the best interest of the City.

**4.6 DEMOTION**

A Department Head may require that the employee be demoted in order to place him/her in a more suitable position or to place him/her in another position in lieu of a lay off. A demotion may be issued as a disciplinary action. A decrease in compensation may be made at the time of demotion.

**4.7 APPROVAL**

All personnel actions must receive the approval of the City Manager or his/her designee before they can become effective.

**4.8 NEPOTISM**

- A. To avoid the appearance of favoritism based on family relationships, no one shall be employed where the supervisor or Department Head is a member of their immediate family. Firefighter reserves and seasonal personnel shall be exempt from this rule.
- B. No person shall be employed in a position in any department if that person is a member of the immediate family of another employee within that division.

- C. If two employees within the same department marry or otherwise obtain a relationship whereby they become members of each other's immediate family, one of the employees shall be transferred to another department division, if possible, without loss of pay or other benefits, or if no vacancy exists shall voluntarily separate from the City organization.

**4.9 EMPLOYMENT ELIGIBILITY VERIFICATION**

All employees initially hired for any position with the City shall complete an employment eligibility verification statement in compliance with the Department of Homeland Security and U.S. Citizenship & Immigration Services. No employee may receive compensation until this form is signed.

**SECTION 5  
TRAINING PERIOD**

**5.1 INITIAL EMPLOYMENT**

- A. All newly hired employees shall satisfactorily complete a six (6) month training period before being granted certified status. This training period is used to determine if the individual is able to perform the duties of the position. During the training period, the individual accrues but is not eligible to use vacation or sick leave.
- B. All newly hired or rehired sworn police officers shall satisfactorily complete a six (6) month training period before being granted certified status. The training period shall begin at the starting date of employment, but shall not include time spent at the law enforcement training academy.
- C. Any employee who separates from the City and who is subsequently re-employed shall commence a new training period. At any time during the training period, an employee may be dismissed by the Department Head.

**5.2 PROMOTIONAL PROBATION**

Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a six (6) month training period before being granted certified status in his/her new classification. Any employee who fails to satisfactorily complete such training period shall be treated in accordance with the procedures contained within this handbook.

**5.3 TRANSFER DURING TRAINING PERIOD**

An employee who is transferred into a position, in the same class, prior to the completion of his/her training period shall not be required to complete a combined total of more than six (6) months training.

**5.4 LAYOFF DURING INITIAL TRAINING PERIOD**

At any time during the training period when an employee is about to be laid off because of reduction in force, the Department Head, with the consent of the employee, may demote the employee in lieu of layoff if he/she is otherwise eligible and work is available in a lower class without displacement of a certified full-time employee. It will be at the discretion of the Department Head to determine if the employee must complete the original six (6) month training period or undergo a new training period not to exceed six (6) months at the time of the demotion.

**5.5 EXTENSION OF TRAINING PERIOD**

During the training period, the employee's job performance shall be reviewed and evaluated by the appropriate supervisor. The employee will be informed of any changes in performance that must be made. If there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the training period, the Department Head may grant one extension not to exceed ninety (90) days.

**5.6 EVALUATION OF TRAINING PERIOD**

Department Heads and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted at the end of the six (6) month training period. Upon receipt of a satisfactory report, the employee shall be granted certified status.

**SECTION 6  
ATTENDANCE AND LEAVE**

**6.1 ATTENDANCE**

A. **Hours of Work**

The standard work week for full-time employees, excluding public safety employees and seasonal recreation employees, is 40 hours. Specific work schedules are established by the Department Heads. Department Heads may establish working schedules to meet their special needs.

B. **Daily Hours**

The hours of daily work including such things as starting and stopping times and lunch breaks, shall be established by the Department Head for each department.

C. **Absences and Tardiness**

Prompt appearance for work is necessary. All employees are expected to report to work on time and be present during normal working hours. If for any reason an employee is delayed in reporting to work, or will be absent, the employee should notify his/her Supervisor or Department Head. This notification should be made before the beginning of the work day. Employees have the responsibility of notifying their Supervisor or Department Head if they must leave work during their work shift. Unexplained absences without approved leave may be cause for disciplinary action.

D. **Rest Breaks**

1. Employees may be permitted two (2) rest breaks each day which will be of no more than twenty (20) minutes duration each. Times and locations for rest breaks shall be established by the Department Head. Break begins and ends at designated break site. Breaks are a privilege, not an entitlement, and are not to be abused.
2. Employees, who work without interruption beyond their normal work period, may receive a twenty (20) minute rest break prior to the start of the overtime if the overtime is expected to exceed two (2) hours. In addition, they may be granted the regular break periods that occur during the overtime work period.

**6.2 LEAVE**

A. **Authorization**

All leaves are granted and approved in advance by the appropriate Department Head or his/her designee according to the policies established for each type of leave.

B. **Application and Scope**

Seasonal and Temporary employees are not eligible for leave with pay.

**6.3 HOLIDAY LEAVE**

A. **Holidays Granted**

The following paid holidays are granted:

1. New Year's Day
2. Presidents' Day
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veterans Day
7. Thanksgiving
8. Day after Thanksgiving
9. Christmas
10. Christmas Eve or Day after Christmas (As designated by City Manager)
11. Personal Days\*

\* Three personal days (eight hours each) shall be granted to each certified full-time employee during each fiscal year, provided the employee receives prior approval

from his/her Department Head before taking the day off and has completed his/her training period. A certified, part-time employee shall receive 1/2 day (four hours each) personal days each fiscal year under the same conditions as a certified full-time employee. Personal days shall be separate from an employee's accrued annual leave and personal days shall not be accrued or carried over to another fiscal year.

B. **Saturday and Sunday Holidays**

If a holiday falls on a Saturday it shall be observed on the preceding Friday; if it falls on a Sunday, it shall be observed on the following Monday.

6.4 **VACATION LEAVE**

A. **Purpose**

The City provides paid vacation leave to certified full-time and part-time employees.

B. **Accrual**

1. Certified full-time employees who work 40 hours per week or are using accrued leave benefits, earn and accrue vacation leave as follows:
  - a. First through fifth year of full-time status, will accrue 12 working days (96 hours per year earned at 8 hours per month).
  - b. After the fifth year of full-time status, will accrue 15 working days (120 hours per year earned at 10 hours per month).
  - c. After the tenth year of full-time status, will accrue 18 working days (144 hours per year earned at 12 hours per month).
2. Full-time uniformed fire department personnel will accrue vacation as follows:
  - a. First through fifth year 128 hours per year
  - b. Sixth through tenth year 160 hours per year
  - c. Eleven plus years 191 hours per year
3. Certified part-time employees who work at least twenty (20) hours and no more than thirty (30) hours per week shall accrue vacation credit at the rate of one-half (1/2) working day per month for each month of employment per year. Certified part-time employees who work at least thirty (30) hours per week and less than (40) hours per week shall accrue vacation credit at the rate of three-fourths (3/4) working day per month.
4. All certified full-time and part-time employees with less than fifteen years of continuous service with the City will be allowed a maximum accrual of one hundred sixty (160) hours of annual leave. Employees with fifteen years or more of continuous service with the City will be allowed a maximum accrual of two hundred (200) hours of annual leave.
5. Vacation leave shall not be accumulated during a period of unpaid leave of absence.

C. **Effective Date of Accrual**

An employee beginning work on or before the fifteenth (15th) of the month will receive vacation credit for the month of appointment; employees beginning work subsequent to the fifteenth (15th) will receive credit beginning the first day of the following month. Accrual and forfeiture of vacation leave is on the fifteenth (15<sup>th</sup>) day of the month.

D. **When Taken**

1. An employee may not take vacation leave that has not been accrued. No vacation leave may be taken by a newly hired employee excluding police officer, until he/she has been with the City continuously for a period of six (6) months and attained certified status. Upon attaining certified status, the employee will have (8) hours and uniformed fire department personnel will have 10.67 hours, accredited to him/her for each month he/she was on the training period.  
A minimum of two (2) hours for vacation leave shall be taken for all employees except uniformed fire department personnel. A minimum of eight (8) hours for vacation leave shall be taken for uniformed fire department personnel.

2. No vacation leave may be taken by a newly hired police officer until he/she has been with the City continuously for six (6) months. Upon attaining the six (6) months, the employee will have eight (8) hours accredited to him/her for each month of continuous service.
3. Non-certified employees terminated prior to completing the training period and achieving certified status shall not be paid for any accrued vacation leave. The prohibition against using vacation leave with pay does not apply to employees in training as a result of a promotional appointment.

E. **Holiday During Vacation**

Any official City holiday that occurs during an individual's scheduled vacation will not be counted as a day of vacation.

F. **Illness During Vacation**

Sick leave may be substituted for scheduled vacation leave if an employee becomes sick during his/her vacation, provided he/she notifies his/her Department Head immediately.

G. **Payment at Termination**

Any certified full-time or part-time employee leaving the City's service will be compensated for vacation credited and unused to the day of his/her separation. In case of death, compensation shall be paid the surviving spouse or the employee's estate.

## 6.5 **SICK LEAVE**

A. **Purpose**

The purpose of sick leave is to ensure the employee will receive a full paycheck in case of actual personal sickness or disability. Sick leave shall not be considered a right which an employee may use at his/her discretion, but is a privilege and shall be allowed only in case of actual personal sickness or disability, or as otherwise provided in this section. The City provides paid sick leave to certified full-time and part-time employees. Employees may be granted paid sick leave for personal illness, doctor or dentist appointments, or to attend to a member of the employee's immediate family whose illness requires their presence. Absences for a fraction of a day will be charged according to the number of hours actually used to the nearest 1/2 hour.

B. **Accrual**

1. Certified full-time employees are credited with one day of sick leave per month. Certified full-time firefighters are credited with 11 hours of sick leave per month.
2. Certified full-time employees who work at least twenty (20) hours and no more than thirty (30) hours per week shall accrue sick leave credit at the rate of one half (1/2) working day per month for each month of employment per year. Certified part-time employees who work at least thirty (30) hours per week and less than forty (40) hours per week shall accrue sick leave credit at the rate of three-fourths (3/4) working day per month.
3. Sick leave will not be accumulated during a period of unpaid leave of absence.

C. **Effective Date of Accrual**

An employee beginning work on or before the fifteenth (15) of the month will be given sick leave credit for the month of employment; an employee beginning work subsequent to the fifteenth (15) will receive credit beginning the first day of the following month. Accrual and forfeiture of sick leave is on the fifteenth (15) day of the month.

D. **When Taken**

1. A maximum of four (4) hours per doctor's appointment within 50 miles outside of Concordia will be allowed. A maximum of two (2) hours per doctor's appointment will be allowed for appointments in Concordia.
2. Appointments farther than 50 miles need to be coordinated with Department Head for use of sick leave.

E. **Authorization**

1. In order to be granted sick leave, an employee must report to the immediate Supervisor or Department Head the reason for the absence before the work day begins. If the immediate Supervisor or Department Head cannot be reached at the time, the employee shall next report to the Personnel Director. Failure to report before the work day begins may result in disciplinary action. The employee must inform the immediate Supervisor or Department Head of his/her condition each day that he/she is to be absent unless the absence is of more than three (3) days duration in which case the employee must inform the Supervisor or Department Head of his/her projected date of return at the time of notification. If the employee finds that he/she will be unable to return on the specified date, the immediate Supervisor or Department Head must be notified. A doctor's slip or other evidence of illness may be required to verify any claim for sick leave pay. Failure to comply may be grounds for disciplinary action.
2. The City may require that an employee submit to a medical or psychological exam to determine his/her fitness or ability to perform the work required for a position, or continued employment in a position. The City will pay the expense of the medical or psychological examination.
3. Upon notification of their immediate Supervisor, Department Head or Personnel Director, the employee may not work another job for twenty-four (24) hours after notifying his/her supervisor for use of a sick day and/or days.

F. **Abuse**

An employee who abuses sick leave shall be subject to disciplinary action, including dismissal. Actions that may lead to determination of abuse include but are not limited to: falsifying illness or reasons for using sick leave, unsubstantiated excessive use and not complying with the requirements for reporting to immediate Supervisor or Department Head.

G. **Sick Leave Cap**

Employees shall accrue up to, but not more than, one hundred and thirty (130) days of sick leave. Any employee who has exhausted available sick leave may substitute with accumulated vacation or personal leave.

H. **Termination of Employment**

An employee shall not be paid for any accrued and unused sick leave upon termination of employment with the City.

**6.6 JOB RELATED INJURY, DIFFERENTIAL PAY AND LEAVE**

A. **Eligibility and Amount**

Municipal employees are covered by Worker's Compensation as provided in the Kansas Worker's Compensation Act. An employee injured on the job, except in cases of substantiated gross negligence on the part of the individual, is eligible to receive up to seven (7) working days Injury Leave with pay. The Injury Leave will commence on the day the injury is received and will end when the employee either returns to work or when the seven (7) day limit expires. In the event the injury is to the extent that the employee is absent from work for more than seven (7) working days and becomes eligible for Worker's Compensation disability benefit, the employee will be granted a Difference Pay for a specified number of days, to commence with the completion of the seven (7) working days Injury Leave. Difference Pay is the amount of money the City will pay an employee per week in addition to the Worker's Compensation benefits in order to maintain the employee's pre-injury/illness compensation. The amount of Difference Pay is determined by subtracting the amount of Worker's Compensation benefit from the employee's regular weekly compensation. Difference Pay will be granted up to thirty (30) working days per injury.

B. **Additional Compensation**

After all Injury Leave and Difference Pay granted by the City is exhausted, an employee shall apply his/her accrued sick leave and/or vacation leave to continue receiving Difference Pay unless waived by the employee in writing. The Personnel Director will provide the employee with a form for this purpose at least five (5) days prior to the expiration of the employee's injury leave and difference pay. Deductions will be made from accrued leave on the basis of the employee's present rate of pay applied to the number of hours necessary to produce a sum equivalent to the employee's regular pay when combined with the Worker's Compensation benefit. After all available leave is used, an employee will receive only the disability benefits granted by Worker's Compensation.

C. **Filing Claim**

An injured employee must immediately report a job related injury to his/her immediate Supervisor after the injury has occurred and have on file a completed Report of Accident Form in the Personnel Director's office. A claim for a reoccurrence of a previous injury will require completing a Report of Accident Form and substantiation by a physician. Supervisors shall complete and submit the Report of Accident form to the Personnel Director's office within twenty-four (24) hours of his/her notification of a job-related injury.

The Report of Accident form should be complete to the best knowledge of the injured employee. If falsification is reported on the Report of Accident form, the employee may be subject to disciplinary action.

D. **Granting of Injury Leave**

1. An employee who is injured or contracts a compensable illness in the line of duty shall be granted injury leave with pay if the illness or injury is determined to be compensable under Worker's Compensation.
2. During the period an employee is on injury leave with pay, the City shall pay the difference between the amount paid by Worker's Compensation and the employee's regular net pay through the application of the employee's accrued leave benefits. In no instance will an employee receiving Worker's Compensation benefits, receive net take home pay above the amount received prior to the compensable injury.
3. Injury leave shall be granted only for a period of up to six (6) months.
4. Injury leave shall be used in conjunction with family medical leave discussed in Section 6.7 of this handbook.

E. **Restricted Work Policy**

This policy is intended to allow injured employees to return to work, if able, in a restricted capacity and allow the employee an opportunity to perform alternative and meaningful work under their physician's restrictions.

When an injured employee cannot perform the essential functions of his/her regular work assignments the employee may be assigned to restricted work duties. If the injured employee is capable of working in a restricted work setting, without jeopardizing the healing process or the health and safety of co-workers, the general public or their own person, the employee will be considered for return to a restricted and temporary duty assignment. The assignment of an injured employee to restricted job assignment(s) is a temporary assignment. The City is not creating a new position to accommodate an injured employee nor is it a guarantee of work for which they are not qualified to perform. Temporary restricted duty work reassignment need not be confined to the current department in which the employee is employed.

1. **Restricted Work Assignment Criteria:** Employees will be evaluated as restricted work candidates at the onset of an injury lasting forty (40) or more consecutive scheduled work hours. This evaluation will include current physical status and availability of alternative work.
2. **Physician Certification:** The employee's attending physician will identify in writing the limitations and work restrictions affecting the employee. A complete description

of the injury, expected duration, and prognosis for recovery will be stated in the certification with an anticipated date for return to unrestricted duty. The responsibility of the physician is to determine what, if any, restrictions apply to the employee who is off work due to surgery, injuries, accident, etc. The employee will not receive leave benefits until the City Clerk receives documentation of restrictions from the physician.

3. **Time Period:** The period of restricted work will be determined before the employee is allowed to return to work. In no instance will the restricted work period extend beyond six (6) months.
4. **Duty Assignments:** The Division Supervisor, Department Head and employee will work together to determine the restricted work assignments. The Department Head will forward the recommended work assignments to the Personnel Director for review.
  - a. Request for Restricted Work form will be completed by the Division Supervisor and Department Head and forwarded to the Personnel Director.
  - b. The proposed temporary restricted work assignment schedule will be attached to the Request for Restricted Work form and sent to the Personnel Director for review.
  - c. Employees placed in a temporary restricted work assignment shall not exceed the number of hours prescribed in the attending physician's certification.
  - d. An employee released for a temporary restricted work assignment shall be required to report to work upon development of restricted work assignments.
  - e. An employee receiving a temporary restricted work assignment shall be allowed to leave work to attend necessary physical therapy, occupational rehabilitation, doctor's appointments, etc., as it relates to the injury.
  - f. An injured employee's pay and position classification shall not change during the injury leave period or the temporary restricted work assignment. In the event an employee is unable to return to his permanent position but can be transferred to another vacancy for which the employee meets the minimum qualifications and can perform the essential job functions, the employee will be reclassified to that position's classification and pay grade.
  - g. If an employee is unable to perform the essential functions of his/her permanent position at the end of the temporary restricted work assignment, an extension of the temporary assignment may be granted if the initial temporary assignment was less than six (6) months. Under no condition will the combined total of the temporary restricted work period exceed six (6) months.
  - h. Temporary restricted work assignments do not need to be continuous. An injured employee may complete his temporary assignments and return to injury leave until another opportunity becomes available.
5. If it is determined that the employee will not be able to return to his/her permanent duty assignment, the employee shall be considered for the first vacancy in reclassification to a position for which the employee possesses the qualifications and is able to perform the essential job functions. If no such vacancy exists, then the employee shall be placed on the layoff eligibility list in accordance with the provision contained within this handbook.
6. If at the end of six (6) months, the employee is unable to return to his permanent duty assignment or cannot be transferred to another City position for which he/she meets the minimum qualifications and is capable of performing the position's essential functions, the employee shall be terminated and shall be placed on the layoff eligibility list, in accordance with the provisions contained in this handbook. To the greatest degree possible the injured employee will perform the restricted duties in their normally assigned department/division and every effort will be made to allow the employee to perform duties normally required of his/her classification with consideration given to medical circumstances and the employee's limitations.

7. The injured employee's department is responsible for providing the Personnel Office with all necessary documentation and paperwork in regards to doctor's certification, work assignment schedule(s) etc.
8. Injury leave will be terminated when:
  - a. A ruling is made of permanent and total disability.
  - b. The employee is declared capable of performing his regular duties.
9. At no time shall the use of restricted work duty, sick leave or injury leave be used individually or in combination to exceed a total of six months.

## 6.7 **FAMILY LEAVE**

### A. **Policy**

Leave Policy has been adopted to allow time off from work for family or medical leave in compliance with the Family and Medical Leave Act (FMLA) of 1993 as amended.

### B. **When Family Leave Will be Granted**

The FMLA provides an employee twelve (12) work weeks of leave during a twelve (12) month period for:

1. The birth and first year care of a child.
2. The placement of a child for adoption or foster care with the employee.
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition.
4. A serious health condition that makes the employee unable to perform the functions of the employee's job.
5. Employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. Qualifying exigency is defined by the following broad categories for which FMLA can be used:
  - a. short-notice deployment
  - b. military events and related activities
  - c. childcare and school activities
  - d. financial and legal arrangements
  - e. counseling
  - f. rest and recuperation
  - g. post-deployment activities
  - h. additional activities not encompassed in the above but agreed upon by the employer and employee

The FMLA also provides that family members of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

In case of birth, adoption or foster placement, the leave entitlement for child care ends after:

1. The child reaches the age of one.
2. Twelve (12) months after the adoption or placement.

Leave to care for a child would include leave for a stepparent or a person in loca parentis.

### C. **Eligibility**

Eligible employees include those who have certified status, have worked for the City for at least twelve (12) months and who, during the twelve month period preceding the leave, worked at least 1,250 hours.

### D. **Leave Year**

For the purposes of FMLA leave, the one year period during which twelve (12) weeks of FMLA leave may be taken is a rolling twelve (12) month period measured backward from the date an employee uses any family leave.

E. **Serious Health Conditions Defined**

This policy permits leave when an employee must care for a son, daughter, or parent with a serious health condition or when an employee is unable to perform the functions of the job due to a serious health condition. A serious health condition is defined as an illness, injury, impairment or a physical or mental condition that requires inpatient care in a hospital, hospice or residential medical facility or continuing treatment by a health care provider.

F. **Continuation of Benefits**

During the period of leave, the employee is entitled to the continuation of medical/dental benefits. The City will continue to pay its portion of the health insurance and it will be the employee's responsibility to continue to pay his/her portion. If an employee fails to return to work after the leave period has expired, unless the absence is due to continued family or personal illness or other circumstances beyond the employee's control, the City shall require the employee to pay for the City's share of health/dental insurance while the employee was on family leave.

If the employee fails to return to work at the end of the leave period because of a serious health condition, the City will request that the employee provide a medical certification from the health care provider of the employee or family member to support the claim. If the employee fails to furnish the requested certification within thirty (30) calendar days of the City's request, the City shall seek recovery of the health insurance premiums paid during the period of unpaid leave. An employee who does not return to work for at least thirty (30) calendar days following family leave is considered to have failed to return to work and premium reimbursement shall be pursued.

If for any reason, the employee fails to make their scheduled premium payment while on family leave without pay, the City will terminate health/dental coverage following a thirty (30) day grace period after the agreed upon date for payment. If the employee is on paid family leave automatic payroll deductions will continue as normal.

G. **Paid Leave**

The FMLA provides an employee up to twelve (12) work weeks of leave during a twelve (12) month period. The City policy will require the employee to exhaust the appropriate accrued leave before unpaid leave will be granted. Accrued leave and FMLA can run concurrently, not to exceed twelve (12) weeks total. When a qualifying event triggers family/medical leave for a certified and eligible employee the following types of paid leave will be used before unpaid leave will be approved.

1. Vacation leave and the employee's personal day may be used for any of the four (4) types of eligible events.
2. Sick leave may be used for the birth of a child, to care for the employee's spouse, son, daughter, or parent with a serious health condition, or because of a serious health condition that makes the employee unable to perform the function of the employee's job. After an employee has first utilized all available and authorized paid leave including annual leave, sick leave and their personal day, the employee will be allowed the use of unpaid leave. The combined total of paid and unpaid leave will not exceed twelve (12) weeks per year. If an employee exhausts all types of eligible leave before the end of the family medical leave period and begins an unpaid leave period, the employee will not be eligible to accrue seniority, annual or sick leave benefits.

H. **Conditions and Limitations**

1. This policy limits the leave that may be taken by spouses who both work for the City to a combined total of twelve (12) work weeks during any twelve (12) month period if leave is taken for birth or placement for adoption or foster care. This limitation does not apply however, to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with serious health condition, or for his/her own serious illness.

2. An employee may take leave intermittently or on a reduced hours basis in connection with the birth, adoption or foster placement of a child or illness of the employee or family member. This is subject to recommendation of the Department Head and approval by the Personnel Director. The employee must make reasonable effort to schedule intermittent or reduced leave hours so as not to unduly disrupt City operations. Leave to care for seriously ill and eligible family member or because of the employee's own serious health condition may be taken as medically necessary. Again, if leave is foreseeable, an employee is required to try to schedule the leave so as not to unduly disrupt the City's operations. The City may place the employee in a temporary alternative position which better accommodates intermittent leave.
3. When leave is used in connection with this section and is foreseeable or practicable, the employee must provide at least thirty (30) days notice of the date when leave is to begin, unless circumstances dictate otherwise. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.
4. When leave is in respect to family or employee illness the City will require the employee to provide certification from their health care provider concerning the nature of the illness, probable duration, appropriate medical facts and prognosis. When leave is in respect to a qualifying exigency, the City will require the employee to provide certification. Such certification must be provided in a timely manner and should not exceed fifteen (15) calendar days unless it is not practicable to do so under the circumstances. The employee must make every reasonable effort to schedule treatment so as not to unduly disrupt City operations. While an employee is on family leave the employee shall report to their Department Head every three (3) weeks concerning his/her status and intentions to return to work.
5. In the case of employee illness, the City will require the employee to provide certification by their health care provider that the employee is able to return to work and is able to perform the essential functions of their position.
6. Upon return to work, the employee will be entitled to his/her same position or an equivalent position with equivalent pay. If the illness/injury prevents the employee from performing the essential functions of the same position the City will attempt to accommodate the employee's capabilities as outlined in the City's ADA policy. This would not include the creation of a new position to accommodate the employee.
7. An employee who requires additional time away from work or who does not meet the eligibility requirements of this policy may apply for leave without pay as permitted in this handbook. This leave does not provide for the City to pay the City's share of the medical /dental insurance benefit.

## **6.8 FUNERAL LEAVE**

In the case of death of a member of the employee's immediate family, all employees may be granted funeral leave not to exceed three working days. If the death necessitates the employee's going out of the state, an additional three days may be granted which may be charged against any unused sick leave or vacation, unless the employee elects to take leave without pay.

## **6.9 CIVIL LEAVE**

### **A. Civil Leave with Pay**

An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena. Employees called upon for jury service shall be compensated for the difference between their jury pay and their City compensation for the period of their service.

- B. If an employee is involved in court in a personal case either as plaintiff or as defendant in a suit not resulting from their duties with the City, they may be granted leave without pay or elect to use any available vacation time that they have accumulated.

C. **Notification of Leave**

An employee receiving notification to report for jury duty, to appear in court as a witness or to perform emergency civilian duty shall inform his/her immediate supervisor as soon as possible after receipt of such notification.

**6.10 MILITARY LEAVE**

An employee may take Military Leave in accordance with appropriate Federal and State Statutes and local ordinances. A certified employee who is required to enter extended military service will be placed on Military Leave without pay for the duration of the service commitment. An employee who is a member of any reserve component of the United States Armed Forces or the National Guard will be granted military leave without pay to attend annual training or to perform duty upon activation as a result of an officially declared emergency.

**6.11 LEAVE WITHOUT PAY**

The City Manager or designate may grant an individual up to 180 days leave without pay. During that leave time an employee may not be credited with either sick leave or vacation leave and will not be compensated for paid holidays.

**6.12 ABSENT WITHOUT LEAVE**

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the Department Head, which may include termination of employment. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have resigned. Such absence may be recovered, however, by the Department Head subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

**6.13 EDUCATIONAL LEAVE**

An employee may be granted leave without pay for a period up to one year to further his/her education or seek specialized training upon approval of the City Manager.

**6.14 COMPENSATORY TIME OFF**

Any employee who has accrued compensatory time and requested use of this compensatory time, shall be permitted to use such time off within a "reasonable period" after making the request, if such use does not "unduly disrupt" the operations of the city. Overtime compensation due may be paid in cash at the employer's option, in lieu of providing compensatory time in any workweek or work period. Any such employee who has accrued 150 hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation. Unused compensatory time may be paid to the employee at a rate not less than the regular rate earned by the employee at the time the employee receives such payment. Upon termination of employment, an employee shall be paid for unused compensatory time earned at a rate of compensation not less than: (1) The average regular rate received by such employee during the last 3 years of the employee's employment, or (2) The final regular rate received by such employee, whichever is higher. Compensatory time shall be used in the calendar year in which it is earned. In the event an employee begins a calendar year with unused compensatory time, no further compensatory time may be accrued by that employee until all compensatory time accrued in the prior year has been used in full.

**SECTION 7  
EMPLOYEE PROGRAMS**

**7.1 INTRODUCTION**

The City has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness, disability and death, and to help employees plan for retirement, deal with job related or personal problems and enhance their job-related skills.

This section of the handbook is meant to highlight some features of the City's benefit programs. Group health and life insurance and retirement-related programs are described more fully in summary plan description booklets which employees are provided with once they are eligible to participate in these programs. Master Plan documents of the City's group health insurance/life insurance and retirement-related programs are maintained in the City Clerk's office. In the event of any contradiction between the information appearing in this handbook and the Master Plan documents, the master documents shall govern.

The City reserves the right to amend or terminate any of these programs or to require or increase employee premium contributions toward any benefits at its discretion. This reserved right may be exercised in the absence of financial necessity. Employees will be notified of any benefit changes and new information regarding these changes will be issued to employees.

For more complete information regarding any of the City's benefit programs, please contact the City Clerk's office.

**7.2 GROUP HEALTH INSURANCE**

**A. Plan Coverage**

The City offers group medical and dental coverage to certified employees that work no less than 20 hours per week and their eligible dependents.

**B. Continuation of Coverage**

Upon termination of employment with the City, an employee and/or their dependent(s) may elect to continue participation on the health plan through COBRA, the Comprehensive Omnibus Budget Revision Act, or the provisions of Section 18 of Chapter 302 of the Kansas Statutes for retirants.

This continuation coverage is paid by the employee and/or dependent(s) and is available only in certain circumstances. Further details are available from the City Clerk's office.

**7.3 WORKER'S COMPENSATION**

A. All employees on the City's payroll are covered by Worker's Compensation as provided by State law. Worker's compensation provides for hospitalization, medical and physician's expenses, loss of pay, and death benefits for any employee who sustains an injury or an illness or who is killed by an accident arising out of and in the course of their employment with the City. The cost of this insurance is paid by the City.

B. Employees who are injured or become ill on the job must immediately report such injury or illness to their immediate supervisor and have a completed Report of Accident Form submitted to the City Clerk's office. Failure to follow this procedure may result in the appropriate Worker's Compensation report not being filed in accordance with the law, which may consequently jeopardize an employee's right to benefits in connection with the injury or illness. (Refer to the LEAVE SECTION of this handbook for information on injury leave due to on-the-job injury or illness). Questions regarding Worker's Compensation insurance should be directed to the City Clerk.

#### **7.4 LIFE INSURANCE**

##### **A. City Paid Term Life**

All certified employees of the City are eligible to be covered by the City's group term life insurance. The City pays 100% of the premiums. The premiums also cover the employee's dependent family members.

##### **B. Employee Paid Optional (Kansas Public Employee's Retirement System)**

This insurance option is available to employees who are eligible to participate in either the KPERS or KP&F retirement program. New members have 14 days from their enrollment in KPERS or KP&F to apply. Any employee may apply during KPERS' annual open enrollment period. City employees are eligible for life insurance and any other benefits provided by the Kansas Public Employee's Retirement System. Questions about KPERS and group life insurance should be directed to the City Clerk.

#### **7.5 DEFERRED COMPENSATION PROGRAMS**

The City offers its employees the opportunity of participating in deferred compensation plans. The purpose of the plans is to encourage employees to save on a pretax basis to build a financial reserve for retirement. Simply stated, deferred compensation is an IRS-approved method for deferring taxes on income until retirement. The City Clerk may refer interested employees to financial benefit companies that administer deferred compensation plans, and will authorize payroll deductions for contributions to a qualified plan selected by an employee.

#### **7.6 EMPLOYEE ASSISTANCE PROGRAM**

The City provides an employee assistance program (EAP) which is available to all employees. The program is a confidential guidance and treatment referral service for employees with personal problems or problems which affect job performance. The program is designed to deal with a broad range of human relations problems such as alcohol or other drug abuse, emotional and behavior disorders, family or marital discord, financial, legal or other personal problems. It is also designed to provide early identification of personal problems, and motivation to take steps to resolve the problems before they become detriments to the employee's job performance. The program provides for referral to appropriate professional resources for assistance.

Participation in the EAP does not excuse employees from complying with normal City policies or from meeting normal job requirements during or after receiving EAP assistance. Nor will participation in the EAP prevent the City from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the EAP.

Employees interested in learning more about our EAP or in discussing a personal or job-related problem should contact their supervisor or the City Clerk.

#### **7.7 TRAINING**

The City believes that training is an integral part of the success and efficiency of the organization's operation and instrumental to employee development within their jobs and in preparation for career advancement. Training is therefore viewed as a shared responsibility of management and employees in order to accomplish the mutual benefit of an increasingly skilled and efficient work force.

The cost of employee travel and attendance at seminars, lectures, conferences, meetings and training programs will be compensable in accordance with the provisions of the Fair Labor and Standards Act. Employees, Supervisors and Department Heads should consult the City Clerk's office regarding the applicability of the FLSA prior to requesting, and/or approval of travel and attendance at off-site and/or out-of-City training courses, meetings, lectures, conferences and seminars.

#### **7.8 UNEMPLOYMENT INSURANCE**

The City pays the entire cost of this benefit which is designed to provide economic stability for employees during periods of unemployment. Employees may be eligible for unemployment benefits upon separation of service with the City, depending on state law and circumstances connected with separation. Unemployment claims must be filed with the Kansas Job Service Office, which will explain the rights, benefits and eligibility determination process provided by State law.

## 7.9 **RETIREMENT BENEFITS**

### A. **Kansas Public Employees Retirement System**

KPERS is a retirement plan administered by the State of Kansas for public employees. It provides retirement, long-term disability and death benefits for the City's regular employees. Participation in KPERS is required by law for all regular employees who work over 1,000 hours per year. Both the City and employee contributions to the retirement program are fixed by State statute. At the present time employee contributions are 6 percent of gross compensation. Contributions are excluded from gross income for federal income tax purposes. Interest is credited annually on June 30 per the member's account balance the preceding December 31. Employees are eligible to make application to withdraw their contributions plus interest after their last day on the City's payroll.

B. Once membership is obtained in KPERS retirement program, the employee may purchase credit for military service and/or forfeited service in accordance with current regulations.

### C. **Kansas Police and Fireman's Retirement System**

Membership in this retirement system is effective upon hire and is required for Concordia's certified firefighters and police officers. The system, like KPERS, is administered by the State and provides retirement, long-term disability and death benefits. Unlike KPERS, however, KP&F members do not participate in the Federal Social Security System. As with the above retirement program, City and employee contributions are fixed by State statute. Employee contributions currently are 7.15 percent of gross compensation. Employee contributions are excluded from gross income for federal income tax purposes. Interest is credited annually on June 30 per the member's account balance the preceding December 31. Employees are eligible to make application to withdraw their contributions plus interest after their last day on the City payroll.

### D. **Survivor's Benefit**

Both the Kansas Public Employee's Retirement Fund and the Kansas Police and Fireman's Retirement System provide for survivor's benefits to be paid to the spouse and family of an individual. Each program has specific provisions which govern the distribution of funds upon a member's death. Specific questions concerning the survivor's benefit program should be directed to the City Clerk.

## 7.10 **SOCIAL SECURITY**

Social Security is administered by the federal government and is supported by joint contributions from the City and the employee as set by federal law. These contributions are based on a percentage of the employee's compensation and are handled by payroll deduction.

All City employees are covered by Social Security, except commissioned personnel of the Fire and Police Departments.

**SECTION 8  
DRUG-FREE WORKPLACE PROGRAM**

**8.1 POLICY**

It is the policy of the City to promote and maintain a Drug-Free Workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. To comply with this Act, the City has adopted the following policies:

- A. All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. Any employee violating the City's policy is subject to discipline, up to and including termination for the first offense.
- B. The City may assist employees in overcoming drug abuse problems by offering the following rehabilitation help:
  - 1. Medical benefits for substance-abuse treatment.
  - 2. Employee Assistance Program - outlines information about community resources for assessment and treatment.
- C. Any City Employee convicted of violating a criminal drug statute in the workplace must inform the City of such conviction (including pleas of guilty and no contest) within five days of the conviction occurring. Failure to inform the City subjects the employee to disciplinary action, up to and including termination for the first offense.
- D. The City reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.
- E. All employees are required to acknowledge that they have read the policy and agree to abide by it in all respects. By law, this acknowledgment and agreement is required of all employees as a condition of continued employment.
- F. Employees are expected to be in suitable mental and physical condition at work, capable of performing their jobs satisfactorily and behaving properly. An employee is required to notify his/her immediate supervisor or division head, if they are taking a prescription drug that could affect or impair the employee's judgment or job performance. Failure to comply may be grounds for disciplinary action. Employees taking over-the-counter or prescribed medication and not able to perform their jobs satisfactorily should request a leave of absence. If an employee believes he or she is able to work while taking medication, and an issue concerning the individual's performance arises, it is expected that the employee will explain the use of the medication to the supervisor. The supervisor will then take that fact into consideration in deciding upon the appropriate action.
- G. If a supervisor suspects that an employee is under the influence of alcohol or drugs that impair job performance, the supervisor may send the employee home.
- H. The City views a violation of this policy as a serious offense that will be investigated. The employee is expected to cooperate with that investigation, including submitting to drug testing. Violating the policy or refusing to cooperate in an investigation may result in discipline up to and including termination.
- I. All employees with a CDL license will be subject to random drug tests by order of an off-site company.

**SECTION 9  
HARASSMENT-FREE WORKPLACE**

**9.1 COMMITMENT TO HARASSMENT-FREE WORKPLACE**

The City is committed to maintaining a workplace that is free from any form of harassment because of race, color, religion, sex, sexual orientation, national origin, ancestry, disability, age, and any other characteristics protected by law.

**9.2 PROHIBITION AGAINST RETALIATION**

This policy also prohibits retaliation or adverse employment action against any employee who exercises his/her rights under this policy, who cooperates or participates in any City investigation, or who participates in any manner in any investigation or proceeding conducted or pursued by any governmental agency.

**9.3 SUPERVISORY AND EMPLOYEE RESPONSIBILITIES**

A. **Supervisors:** All of our supervisors have the duty to ensure that employees are not subjected to harassment and to ensure that employees do not engage in harassment or retaliation. Each supervisor who observes or learns of any possible harassment in the workplace is required to immediately report it to the City Manager.

B. **Employees:** The City also believes that cooperation from *all* employees is the best way to ensure that the work environment remains free of harassment and that any concerns about harassment are immediately addressed. Accordingly, each employee is responsible for conducting himself/herself in a non-harassing manner at all times and in a manner that is consistent with this policy, for immediately reporting violations or possible violations of this policy in accordance with the reporting procedures in this policy, and for taking such other action as would be reasonably appropriate to prevent and/or stop any harassment, such as confronting the harasser, when appropriate and sensible to do so, telling him/her in a respectful manner that his/her conduct is unwelcome and offensive, and asking that he/she stop the behavior.

**9.4 DEFINITION OF HARASSMENT**

Harassment may encompass a wide range of verbal, physical and visual behaviors in the workplace and may be sexual in nature or non-sexual in nature.

A. **"Sexual harassment"** means unwelcome, unsolicited, uninvited, offensive or undesirable conduct of a sexual nature directed at or affecting an employee of the same sex or of the opposite sex.

B. **"Non-sexual harassment"** means conduct that is offensive or shows hostility toward an employee because of his/her race, color, religion, sex, national origin, ancestry, disability, age or other characteristic protected by law.

**9.5 HARASSMENT IS A VIOLATION OF THIS POLICY IN THE FOLLOWING SITUATIONS**

A. If the employee is promised or given some favorable employment action or benefit only if the employee will submit to or tolerate the harassing behavior in question.

B. If the employee is threatened with or suffers adverse employment action because he/she rejected or refused to tolerate the harassing behavior in question.

C. If the harassing behavior in question unreasonably interferes with the employee's work performance or creates an intimidating, hostile, abusive or offensive work environment, even if there is no favorable employment action or benefit or promise of same, and even if there is no adverse employment action or threat of same, and even if there is no other tangible job consequence or employment action.

- D. It is not possible to define every action or all words that could be interpreted as harassment. Each situation depends on a number of factors, including severity/seriousness, frequency, nature, presence or absence of a tangible job consequence, etc. Each situation will be reviewed on a case-by-case basis. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute harassment under this policy, it may still be inappropriate for our workplace.

## 9.6 **EXAMPLES**

The examples listed below are not meant to be a complete list of behaviors that may be objectionable or that may constitute harassment. They are provided so that employees have a better understanding of the general range of behaviors that might constitute harassment depending on the circumstances.

- A. Examples of "sexual harassment" include without limitation:
1. sexual advances, propositions or flirtations; requests or pressure of any kind for sexual favors, activities or contact;
  2. sexually explicit, graphic, abusive, degrading, intimidating or offensive jokes, comments, remarks or gestures;
  3. physical contact or touching of a sexual nature, including physical or sexual assault;
  4. display, circulation or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures or materials of any kind; and
  5. other similar types of unwelcome sexually-related conduct.
- B. Examples of "non-sexual harassment" include without limitation:
1. epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to gender, race, religious creed, color, national origin, ancestry, citizenship, age, physical disability, mental disability, medical condition, marital status, pregnancy, sexual orientation, military status and any other characteristics protected by law;
  2. written or graphic materials that denigrate or shows hostility or aversion toward an individual or group because of gender, race, religious creed, color, national origin, ancestry, citizenship, age, physical disability, mental disability, medical condition, marital status, pregnancy, sexual orientation, military status and any other characteristics protected by law, and that is placed on walls, bulletins boards, E-mail, or elsewhere on City premises or is otherwise circulated in the workplace;
  3. other similar types of unwelcome non-sexual harassment.

## 9.7 **REPORTING AND INVESTIGATING VIOLATIONS**

### A. **What Situations Must Be Reported**

Each employee has the obligation to report the following:

1. if he/she has been harassed by another employee or a non-employee;
2. if he/she has witnessed or observed first-hand the harassment of another employee;
3. if harassment has been reported to him/her by another employee;
4. if he/she has been retaliated against for reporting a violation of this policy or for cooperating or participating in any City or governmental investigation of harassment; and
5. if after reporting harassment, the harassment has continued.

### B. **When to Report**

Any of the above situations are to be immediately reported. They should be reported as soon as they occur or immediately after an employee obtains knowledge that there has been a possible violation of this policy.

C. **Where to Report**

Any of the above situations may be reported to any of the following individuals:

1. your immediate supervisor;
2. the individual to whom your supervisor reports;
3. any officer of the City; or
4. the highest ranking management employee at your facility.

D. **Investigation**

Upon receipt of a report or complaint, the City will immediately undertake an objective and thorough investigation. The investigation will generally include interviewing any individuals who were possibly harassed, any individuals who allegedly violated this policy and any other potential witnesses. The investigation will include a review of the credibility of the evidence and of any individuals who have provided information.

E. **Determination**

Upon conclusion of the investigation, the City Manager or his appointee will determine if the behavior in question constitutes harassment or other form of inappropriate conduct. In determining whether alleged conduct constitutes harassment, the City will look at numerous factors, including without limitation, the evidence as a whole, totality of the circumstances, nature of the conduct, context in which the alleged conduct occurred, credibility of the witnesses, frequency and severity of the conduct, patterns of inappropriate conduct, documentation, circumstantial evidence and other factors. Appropriate action will be taken as warranted under the circumstances.

F. **Confidentiality**

Confidentiality will be maintained by the City to the extent possible under the circumstances.

G. **Communication of Outcome**

To the extent that it would be appropriate to do so, the City will inform the reporting or complaining employee and any others who have a legitimate need to know of the general outcome of the investigation.

H. **Consequences for Violating this Policy**

If the City believes that it is more likely than not that a violation has occurred, then the City will take appropriate action. Such action may include disciplinary action, up to and including discharge.

**9.8 OTHER INAPPROPRIATE BEHAVIOR**

Behavior that is not unlawful harassment under the law or under any of our policies might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City may still impose appropriate disciplinary action, up to and including discharge. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, was unprofessional, was unbecoming, was objectionable, was inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, was inconsistent with the spirit of the City's harassment-free workplace philosophy or policy or was not in the best interests of the City.

**SECTION 10  
EMPLOYEE CONDUCT**

**10.1 OUTSIDE EMPLOYMENT**

A city employee may hold a second job, with approval from the Department Head and the City Manager, provided:

1. There is no conflict of working hours.
2. There is no conflict of interest.
3. The employee's efficiency is not reduced.

**10.2 POLITICAL AND INTEREST GROUP ACTIVITIES**

A. City employees are encouraged to exercise their right to vote in all elections and will be granted 30 minutes to vote. An employee shall be given necessary time off without loss of pay when the polls are not open two hours before or after the time the employee is scheduled to work. However, City employees shall not participate in political activities involving the election of a candidate for City office. In addition, City employees shall not participate as a candidate for any political office at the City level while an employee of the City of Concordia. Also, no City employee shall participate in political activity that advocates the overthrow of the constitutional form of government.

B. City employees will not solicit, sell or handle any political contributions; or wear/display any political badges, buttons, and signs on their person or at their work station during working hours.

C. City employees may engage in activities of civic associations or special interest groups unless such action would:

1. Directly conflict with the employee's job.
2. Result in a conflict of interest.
3. Result in the employee incurring personal gain because of his/her position with the City.

**10.3 RESIDENCY**

A. All Department Heads and all persons employed by the City as firefighters or emergency medical service personnel must reside within six (6) miles from the intersection of 11<sup>th</sup> and Lincoln Streets in the City of Concordia.

B. All other employees of the City must reside close enough to the city to allow them to respond to a call-back within the response time specified by their department. Employees who are in on-call status must remain close enough to their department to respond within the required on-call response time, regardless of the location of their residence.

C. No person shall be required to comply with the residency policies of the City prior to becoming employed by the City, unless residence is specifically required by law.

D. Each person who is employed by the City shall comply with the residency policies of the City within ninety (90) days from the date of employment or appointment.

E. The City Manager shall have the discretion to grant one ninety (90) day extension of the time within which an employee must comply with the residency policies of the City.

F. The City Manager may waive compliance with the residency policies of the City if the City, after reasonable efforts, has been unable to fill the position with a qualified applicant who meets the residency requirements.

- G. An employee of the City who changes their residence so that it fails to comply with the residency requirements of the City may be terminated for cause.
- H. A City vehicle may not be used for commuting to an employee's personal residence which is located further than six (6) miles from the intersection of 11<sup>th</sup> and Lincoln Streets in the City of Concordia.

**10.4 EMPLOYEE RESERVES FOR PUBLIC SAFETY**

- A. Employees that are reserves for Public Safety (Fire, EMS, Police) will respond to emergency situations only, unless approved by their Department Head.
- B. Employees who are off duty but on call for their department are not to respond to calls for reserves for Fire/EMS events such as all-call fires, unless directed to do so by their supervisors.
- C. Employees who are on duty may respond to calls for reserves for Fire/EMS events with the permission of their Department Head, or if their Department Head is not available, with the permission of their immediate supervisor.

**10.5 TOBACCO USE**

To respond to the increasing evidence that tobacco use creates a danger to the health of individuals the City policy is to regulate the use of tobacco by City employees while on duty. Tobacco use will not be allowed in city facilities, vehicles, job sites and during the working hours except during designated rest breaks.

**10.6 WEAPONS PROHIBITED**

Law enforcement officers, and such other employees as are specifically permitted by the city manager, are the only employees of the city authorized to discharge a weapon, explosive, or firearm while on city premises or while engaged in the employee's duties of employment with the city, other than in circumstances when and to the extent the employee reasonably believes that discharge of the weapon, explosive, or firearm is necessary to defend themselves or another person from imminent death or great bodily harm. The reasonableness of any such discharge shall be determined by the city manager after review of the circumstances.

**10.7 GIFTS FROM VENDORS PROHIBITED**

No employee of the City shall accept any item of value from any vendor (this means any person or organization that provides or seeks to provide goods or services to the City), unless the gift is of a personal nature and is given by a person who is related to the employee or otherwise so situated that a personal gift would be ordinary or customary under the circumstances. This policy prohibits acceptance even of small gratuities such as going to lunch at the expense of a vendor. Employees may partake of gratuities provided to a group, such as meals, refreshments, activities, or expenses that are made available by sponsors to all persons attending a conference. Employees are not to register for drawings, door prizes, or similar offerings by vendors that may result in the award of an item of value to a particular person. Any such prize shall be declined or if accepted shall be the property of the City. Holiday food gifts from vendors shall be shared by all employees of the department.

**SECTION 11**  
**SUPERVISION, DISCIPLINE, RESIGNATION AND TERMINATION OF EMPLOYEES**

**11.1 PURPOSE**

Occasionally, personnel rules, departmental regulations or accepted practice of work behavior are violated. In order to eliminate disruption of departmental activities or modify an individual's behavior a Department Head or Supervisor shall strive to insure that the extent of the disciplinary action is not unreasonable for which the employee is being penalized.

**11.2 TYPES OF DISCIPLINARY ACTION**

The following types of actions may be imposed:

1. Verbal counseling
2. Written reprimand
3. Suspension
4. Demotion
5. Compensation reduction
6. Dismissal

In items 2-6 listed above the individual will receive written notice of the pending action. If necessary, rights to appeal action taken by a Supervisor are available through the City's grievance procedure process.

**11.3 SUPERVISION OF EMPLOYEES**

A. **Responsibility of Department Heads**

Department Heads shall be directly responsible to the City Manager, or his designee, for the supervision and administration in accordance with these Policies and Procedures, of all personnel within their respective departments.

B. **Scope of Responsibility**

Department Heads and Supervisors, as the case may be, shall be responsible for:

1. Administration of these Policies and Procedures.
2. Adequate observation, orientation and on-the-job training of employees.
3. Continuing review and evaluation of employee's job performance.
4. Adequate job performance by employees and the initiation of corrective and disciplinary actions when required in connection with these Policies and Procedures.
5. Maintaining employee morale and providing a work environment conducive to employees' welfare and safety.

**11.4 EMPLOYEE DISCIPLINE**

A. **Corrective Actions**

1. Corrective actions are taken to correct and improve an employee's job performance and do not affect his current pay, current status or tenure.
2. Corrective actions do not include verbal counseling and may include, but not limited to, written warnings, reprimands and censures.

B. **Disciplinary Actions**

1. Disciplinary actions are taken to penalize an employee for an offensive act or poor job performance and affect his current pay, status and/or tenure. Disciplinary action may be administered concurrently with a corrective action.
2. Disciplinary actions may include suspension, demotion, pay adjustment to a lower step in the assigned pay grade, dismissal as provided in Section 11.5, or any other appropriate action affecting current pay, status or tenure of an employee.

C. **Responsibility for Administering Corrective or Disciplinary Action**

The responsibility for initiating and administering corrective or disciplinary action is vested in the Department Head, or his designee.

D. **Causes of Corrective or Disciplinary Action**

Causes for initiating a corrective or disciplinary action may include, but are not limited to:

1. Violation of, or failure to comply with, the State Constitution or Statutes, City Ordinances, City or Department Rules and Regulations and these Personnel Rules and Regulations.
2. Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor.
3. Inefficiency, incompetence, or negligence in the performance of duties.
4. Misuse of legitimate drugs or the use, possession, distribution, or sale of controlled substances or unprescribed controlled drugs.
5. Careless, negligent or improper use of City property, equipment or funds.
6. Failure to obtain and maintain a current license or certificate as a condition of employment, if required by the law or these Policies and Procedures.
7. Tardiness in reporting to work.
8. Failure to report to work as scheduled without prior approval.
9. Abuse of sick leave or other benefit policy.
10. Accepting gifts and gratuities from private citizens and/or vendors.
11. Intentional or unintentional discharge of a weapon, explosive, or firearm while on city premises or while engaged in the employee's duties of employment with the city, except as permitted by Section 10.6. Any such offense shall be considered flagrant and serious pursuant to section 11.4. F.3.
- 11a. Engaging in conduct prohibited by Section 17, Workplace Violence Prevention.
12. Failure to report an accident or injury occurring on the job.
13. Failure to follow established safety practices or utilize provided safety equipment.
14. Conviction of any felony while an employee of the City of Concordia.
15. Unauthorized outside employment that is in conflict with City interest.
16. Failure to submit to a required physical examination, or alcohol/drug testing.
17. Disregard of personal appearance, uniforms, dress or personal hygiene.
18. Acts of discrimination or sexual harassment.
19. Releasing of confidential information.
20. Unauthorized possession of City equipment, supplies or other City property.
21. Falsification of records, reports, or employment applications.
22. Threatening or fighting with other City employees.
23. Unauthorized sleeping while on duty.
24. Violation of any Departmental rules, policies and procedures.
25. Possession, use, distribution, or the sale of alcoholic beverages on City premises at any time, unless allowed by City ordinance or specifically authorized by the City Manager.
26. Misuse of legitimate drugs, or the use of controlled substances and/or alcoholic beverages while on-call duty.
27. Display of sexually explicit materials by City employees on City property.
28. Failure to wear a City supplied uniform during working hours.

E. **Corrective or Disciplinary Actions - Procedures**

1. Prior to initiating a corrective or disciplinary action, the Department Head, or his designee, shall meet with the employee to discuss the matter and give him the opportunity to refute the charges or present mitigating evidence.
2. If a corrective action is initiated, the Department Head, or his designee, shall advise the employee in writing of his error or failure, the corrective actions he should take, and the consequences he may face if he fails to follow corrective instructions, along with notification that a copy will be placed in the employee's personnel file.
3. Prior to initiating a disciplinary action, the Department Head, or his designee, must first receive concurrence from the Personnel Director, or his designee, on the specific disciplinary action proposed.
4. If a disciplinary action is imposed, the Department Head, or his designee, shall advise the employee in writing of the specific disciplinary action being administered, why it is being imposed, including specific details of the offense, and, if appropriate, the corrective actions he should take and the consequences he will face for future

violations, along with notification that a copy will be placed in the employee's personnel file.

F. **Limitations**

1. An employee shall not be corrected or disciplined more than once for a single specific act or violation, but he may be corrected or disciplined for each additional act or violation of the same or similar nature.
2. Not more than two corrective actions in any consecutive twelve (12) month period shall be imposed for any similar infraction by an employee, without appropriate disciplinary action being taken for any further violations or offenses during the same period.
3. Disciplinary action shall not be taken against an employee unless he has been subject to a corrective action within the previous twelve (12) month period, unless the offensive act is so flagrant, serious or repetitive that immediate disciplinary action is essential for the public interest.
4. A maximum of two (2) disciplinary actions may be imposed upon an employee in any consecutive twelve (12) month period without dismissing him. If a third disciplinary action is imposed, the employee shall be dismissed pursuant to Section 11.5.
5. Suspension of an employee without pay shall be limited to fifteen (15) calendar days.

G. **Suspension of Employees Charged with a Crime**

1. An employee who is charged with a felony or with a misdemeanor involving moral turpitude may be indefinitely suspended with pay, pending the outcome of the charges including any appeal therein.
2. If the employee is found guilty, unless later reversed on appeal, he/she shall be dismissed.
3. If he/she is found not guilty, or if the case is dismissed, he shall be restored in his position and granted full pay and service credit for the period of suspension. However, if evidence falls below criminal standard of "beyond a reasonable doubt" but passes a civil burden of proof, i.e. preponderance of the evidence, and the acts are job related and substandard, then, even if not convicted the same acts may be the basis for discipline. Failure to convict does not prohibit discipline in such cases.

**11.5. SEPARATION**

A. **Grounds for Dismissal**

1. A certified employee may be dismissed for any of the reasons enumerated in Subsection 11.4(D), whether or not disciplinary action of a lesser nature was taken prior to the dismissal action.
2. Any employee receiving three (3) consecutive unsatisfactory ratings in the performance evaluation may be dismissed.
3. Dismissal of a certified employee shall be the responsibility of the Department Head. Such action must be ratified by the Personnel Director.
4. If an employee fails to report for work, or fails to call in to his Supervisor, it shall be considered that the employee has voluntarily vacated his position and he shall be formally dismissed.
5. Any certified employee who is dismissed pursuant to this Section shall have the right to appeal the action as provided in Section 12 of this handbook.
6. If a certified employee is dismissed, care must be taken to ensure the employee's standing, reputation, honor, or dignity is not impugned.

B. **Layoff Policy and Procedures**

1. The method for determining which employees will be laid off in each department first in the event of lack of work, lack of funds or reorganization, shall be a joint responsibility between the City Departments and the City Manager. An employee designated for layoff shall be given a fifteen (15) calendar day advance written notice.

## 11.6 **RESIGNATION**

### A. **Notice of Resignation**

An employee may resign from the service of the City by notifying the Department Head at least two (2) weeks prior to the effective date. The resignation notice shall be made in writing, state the date it will become effective. A Department Head may consider as grounds for refusal to rehire an individual the fact that the individual did not give the required notice when he/she resigned from earlier employment with the City. All resignations will be forwarded to the City Manager.

A Department Head may resign from the service of the City by notifying the City Manager at least thirty (30) days prior to the effective date. The resignation notice shall be made in writing, state the date it will become effective. The City Manager may consider as grounds for refusal to rehire an individual, the fact that the individual did not give the required notice when he/she resigned from earlier employment with the City.

### B. **Withdrawal of Resignation**

A Department Head may approve the withdrawal of a resignation, prior to the effective date of such resignation provided that an appointment has not been made to fill the pending vacancy.

### C. **Exit Interview**

The Personnel Director shall, if possible, conduct an exit interview with an employee who leaves the City's employment.

## 11.7 **DISMISSAL**

### A. **Authority**

A Department Head may recommend the dismissal of any employee under his/her jurisdiction for continuous unsatisfactory job performance or other cause. Such action shall require that a notice of at least ten (10) working days be given, to include a written statement of the reasons for the action. Should the Department Head determine that an immediate dismissal of an employee from the service of the City is needed (because of the reasons for the dismissal), he/she may, with the approval of the City Manager, suspend the employee with or without pay for a period of ten (10) working days in lieu of notice. A written statement of the reasons for the dismissal would still be required. A Supervisor may in like manner recommend to their Department Head the dismissal of an employee.

### B. **Appeal**

The employee may appeal the dismissal through the procedures established by the Grievance Procedure in Section 12 of this handbook.

### C. **Name Clearing**

The employee may request a hearing for the purpose of presenting any information that the employee views as being explanatory or mitigating with respect to the events that led to the termination of employment. The hearing may be conducted privately in the presence of the city clerk, the city attorney, and the city manager, or publicly in the presence of those officers in a public form with appropriate public notice. A request for a name clearing hearing must be delivered in writing to the city clerk. Unless a public hearing is specifically requested in writing, the hearing shall be conducted privately. Notice of the employee's right to a name clearing hearing shall be given to the employee at the time for termination or within a reasonable time thereafter.

**SECTION 12**  
**GRIEVANCE PROCEDURE**

**12.1 POLICY**

It is the City's policy to ensure that employees receive fair and equitable treatment, provide employees with an easily accessible procedure for expressing dissatisfaction, and foster sound employee-supervisor relations through communication and ultimate reconciliation of work related problems. The employee grievance procedure is available to all certified employees.

Department Heads and supervisors are responsible for ensuring that employees under their supervision understand the grievance procedure, and that employees feel free to use the procedure without fear of criticism or action being taken against them that might affect job security, wage progression, or opportunity for job advancement.

**12.2 ADMINISTRATIVE GUIDELINES**

All time limits specified in this procedure are work days. In the event of extenuating circumstances, a time limit may be extended by the Personnel Director.

All persons involved must treat grievance information and testimony in a most discrete and confidential manner.

Newly hired employees still serving their training period shall not be eligible to appeal or aggrieve any matter under this handbook, except for sexual harassment or hostile working environment.

**12.3 GRIEVANCE PROCEDURE**

A. **General Information**

Grievance must be submitted in writing and shall include the following information:

1. The date of the grievable incident with supervisor.
2. The date complaint was discussed with supervisor.
3. A short specific statement of the grievance, including all relevant facts and a specific regulation or policy which the employee believes was violated.
4. Reasons for dissatisfaction with the Department Head's solution.
5. Remedy to resolve the grievable incident.

B. **Procedure**

The aggrieved employee is encouraged to resolve the grievance with his or her Department Head.

1. The employee has ten (10) working days after the date of the incident to file a written grievance with their Department Head or City Manager. The Department Head must respond in writing within five (5) working days. If no response by the Department Head is received, the grievance is automatically deemed denied.
2. If any employee is unable to resolve the grievance through chain of command within department, then the employee shall have the option to present the grievance to the City Manager and/or their designee. The City Manager or designee may or may not meet with the employee. If the City Manager chooses to have a meeting with the employee, the employee, with advance approval, may invite another individual to attend the meeting. If the individual is an employee, they will be considered on paid status if the meeting is during their normal work schedule. The City Manager's or designee's decision will be given to the employee in writing not to exceed fourteen (14) working days. The City Manager's or designee's decision is final and subject to no further appeal. In no case shall an employee or a group of employees take a grievance to the City Commission or to any individual City Commissioner.

**SECTION 13**  
**AMERICANS WITH DISABILITIES GRIEVANCE PROCEDURE**

**13.1 ADA GRIEVANCE AND REVIEW PROCEDURES**

**A. Policy**

1. The City has adopted an internal grievance procedure for providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

**B. Filing**

Grievances filed under this procedure may be made through the following process:

1. Complaints shall be filed to the ADA Coordinator responsible to coordinate ADA compliance efforts.
2. The complaints shall be filed verbally or in writing and contain the name and address on the complainant, dates, places and circumstances surrounding the complaint.
3. The complaint shall be filed within thirty (30) days after the complainant becomes aware of the alleged violation.

**C. Investigation Procedure**

When a complaint of discrimination as defined in the ADA of 1990 is made, the ADA Coordinator will take immediate steps to:

1. Obtain a written statement as defined in Section (B) (2) of this policy.
2. Interview the complainant to gather as much information regarding the circumstances of the grievance as possible.
3. Investigate the circumstance(s) and gather appropriate evidence.
4. Discuss the allegations contained in the grievance with appropriate witnesses and personnel and obtain statements.
5. The ADA Coordinator shall prepare a written report of the investigation and submit it to the City Manager and City Attorney.
6. The ADA Coordinator shall be responsible to maintain the files and records of the City relating to complaints filed.

**D. Action and Resolution**

Based upon the report developed through Section (C) of this procedure, a written determination of findings and actions to resolve the complaint, if necessary, shall be prepared and approved by the City Manager. A copy of the findings and actions shall be forwarded to the complainant within ninety (90) days after its filing.

1. If a foundation for the allegation exists appropriate action(s) shall be taken to correct the issues contained in the complaint.
2. The complainant may request a reconsideration of the findings within fifteen (15) days in instances where the complainant is unsatisfied with the resolution. A request for reconsideration shall be submitted to the ADA Coordinator and responded to within five (5) work days.
3. The right of a person to prompt and equitable resolution of the complaint filed through this procedure shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure(s) is not a prerequisite of the pursuit of other remedies.

- E.** These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and ensure the City of Concordia complies with the ADA and implementation of its regulations.

**SECTION 14**  
**USE OF CITY PROPERTY**

**14.1 INTRODUCTION**

The purpose of this Policy for the use of the internet, electronic communications and other technology is to give employees of the city's electronic communication systems clear guidance on what can and cannot be done with such systems. Failure to follow this policy can result in violations of the law, costly fines and penalties, expensive lawsuits and judgments, and otherwise impair the city's ability to conduct its affairs; therefore, it is critical to strictly follow this Policy.

**14.2 SCOPE OF POLICY**

Electronic communications include, but are not limited to, electronic mail, instant messaging, access to and use of the Internet, city-run networks and websites, network services, facsimile (fax), voice mail, and telephone systems.

**14.3 INTENDED USE**

Intended Use. The electronic communication system is intended primarily for use in connection with the city's mission and related services. There is no expectation of privacy with respect to any city facility or equipment. City owned desks, lockers, sleeping areas, vehicles, computers, telephones, and all other city property may be entered, inspected, or searched at any time without notice to anyone. All electronic communications and data that are created, sent, received, stored and/or accessed using the electronic communication systems are city property. All data and information created, sent, received, stored and/or accessed by employees of the city during their employment, and which relates in any way to their employment, is the property of the city, whether such data is stored or accessed using the electronic communication systems, maintained in hard copy, or stored electronically on systems not belonging to the city. Moreover, all hardware, infrastructure and software provided by the city are owned by the city. Users are responsible for maintaining such property in good condition and shall return such property to the city upon termination of its use or upgrade.

**14.4 EXCEPTIONS**

Exceptions to city only usage are tablets and cell phones, which may or may not be used for personal use by the employee to which the device is issued and are not subject to unforeseen inspection.

## **SECTION 15 VEHICLES**

### **15.1 PURPOSE**

The use of a City-owned motor vehicle may be necessary to facilitate performance of job duties. City-owned vehicles shall be assigned and used only in performance of official duty and not for personal use except as stated below. Any exception to this must be submitted in writing and must be documented for tax purposes.

Operators of City-owned vehicles must meet certain standards and follow the requirements as outlined in this policy. Any employee who will operate a City-owned motor vehicle must possess and maintain a valid driver's license.

### **15.2 POLICY**

Employees who are not provided with a car allowance are encouraged to use City vehicles instead of their own for City business whenever possible.

- A. Personal vehicles may be used for official City business with prior approval. Employees using their personal vehicles will be reimbursed at the prevailing rate established by the IRS.
- B. All employees who operate vehicles on City business must have a valid driver's license that entitles them to drive the class of vehicle they are assigned to operate and must be insurable by the City's insurance carrier. Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments.
- C. Prior to acceptance for employment with the City in a position that would necessitate the operation of a motor vehicle in the course of performing the assigned duties of that position, the employee's motor vehicle operators record may be requested from the State Department of Motor Vehicles by the Human Resources Department. If a Department of Motor Vehicles review indicated three or more moving violations within three years of the date of review, the employee may be denied authorization to operate a vehicle while representing the City. If the employment is incumbent upon the ability to operate a vehicle, the prospective employee may be denied employment.
- D. Any employee who operates a privately owned vehicle while conducting official business for the City must maintain automobile liability insurance in accordance with the State Financial Responsibility Law. Employees who do not maintain minimum liability coverage will not operate privately owned vehicles in an official capacity.
- E. Employees are responsible for paying fines from traffic violations, whether such fines arise from the operation of a vehicle on City business or otherwise. The City will not reimburse employees for such fines. Employees are also responsible for any damage to their personal vehicle even if that damage occurs while operating the vehicle on City business. In the event of an accident while an employee is operating a personal vehicle, an employee's individual liability insurance will be the primary payer, and the employee will be responsible for paying any deductible applicable to his/her personal automobile insurance coverage.
- F. City vehicles shall legally & appropriately be operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver, not the City.
- G. Employees who drive vehicles on City business must immediately report to the supervisor and the City Clerk's office any on-duty motor vehicle accident; or any on or off-duty driving under the influence conviction(s), driver's license suspension(s) or revocation(s), driving restriction(s) or any other driving related convictions or status change preventing such employee from performing their job responsibilities.

- H. The employee may be subject to discipline if found at fault in causing a traffic accident/incident, which occurs while the employee is on-duty and operating a City-owned vehicle or non-City-owned vehicle or while off-duty operating a City-owned vehicle.
- I. Should an excessive number of employee incidents/violations occur in which an employee is found to be at fault while on City business, and such incidents/violations may jeopardize insurability by the City's insurance provider and/or lead to driving restriction, the Department Head will counsel the employee as to the impact such incident/violations may have upon the employee's conditions of employment. Any employee, who has a second accident within six months and is found to be at fault while on City business, is considered to be an accident repeater and will be required to attend a driving safety course at the employee's expense. The City may also request that the employee attend a defensive driving class. Refusal to attend these meetings is grounds for suspension and possible discharge.
- J. Persons claiming a reimbursement should document the necessary information on the appropriate form, and submit to the employee's supervisor for approval. Individuals will be reimbursed at the prevailing per-mile rate established by the IRS.
- K. Assigned City vehicles may be used for travel to lunch and appointments when an employee is on City business.
- L. Employees who are required to use a City-owned vehicle for transportation from home to work, except those who are on-call for emergencies, must have prior authorization from their supervisor. The use of City-owned vehicles by City employees must conform to the regulations as outlined by the Internal Revenue Service.
- M. City vehicles shall not be taken home overnight except in cases in which a vehicle assigned to a City employee is designated by the Department Head to be available for department emergencies. This provision is subject to City Manager approval prior to authorization.
- N. Random checks of motor vehicle records will be performed for all current employees who operate vehicles on City business.
- O. The driver and passengers will use seat belts at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure the use of seat belts by all passengers.
- P. Employees are strongly discouraged not to talk on cell phones while driving City owned vehicles. Parking is preferred on the side of the road or in a parking lot.
- Q. No person other than an employee of the City shall occupy a city vehicle except as necessary or advisable in connection with the activities of the City, or as permitted by the City Manager.

### **15.3 TAXATION AND VALUATION OF FRINGE BENEFITS**

Employees who are required to use a City-owned vehicle for transportation from home to work must have prior authorization from the City Manager. The use of City owned vehicles by City employees must conform to the regulations as outlined by the Internal Revenue Service (IRS 1274-57), that qualify them as "non-personal use vehicles". In accordance with IRS regulations, taxation and valuation of fringe benefits will be computed using the "Commuting Valuation" method. Employees using City-owned vehicles for commuting purposes will be required to submit a signed affidavit of annual mileage used for commuting. Employees whose positions require them to use emergency response vehicles, are exempted from reporting the "Commuting Valuation". The Clerk's Department will apply the applicable IRS mileage rate on miles used for commuting and report this amount as fringe benefit wages on employee's final paycheck of the year.

**SECTION 16**  
**PURCHASING CARDS**

**16.1 AUTHORIZED USES**

Purchasing cards may be used only for expenditures directly related to municipal purposes. All use of purchasing cards shall be in accordance with the City's purchasing policy. See Section 19 for guidelines to purchasing card use for travel related expenditures.

**16.2 DUTIES OF CITY MANAGER**

The City Manager shall determine which employees are issued purchase cards, the credit limit for each card, and the types of expenditures for which each card may be used, and shall take prompt and appropriate action with respect to any report of violation of the City's purchasing card policies.

**16.3 DUTIES OF DEPARTMENT HEADS**

Department Heads are responsible for monitoring the use of purchasing cards by employees in their departments, and will promptly report any violation of the purchasing card policy to the City Manager.

**16.4 DUTIES OF FINANCE DIRECTOR**

The Finance Director is responsible for monitoring the use of purchasing cards by the Department Heads and members of the governing body, and will promptly report any violation of the purchasing card policy by those persons to the City Manager. The Mayor is responsible for monitoring the use of purchasing cards by the City Manager, and will promptly report any violation of the purchasing card policy by the City Manager to the members of the governing body.

**16.5 DUTIES OF THE CITY CLERK**

The City Clerk will monitor the use of purchasing cards by the Finance Director, and will report any violation of the purchasing card policy by the Finance Director to the City Manager. The City Clerk will distribute copies of all monthly purchasing card statements to the members of the governing body, the City Manager, and the Department Heads. The City Clerk will be responsible for the timely payment of all credit card charges.

**16.6 DISPUTED CHARGES**

The person responsible for reviewing the use of a purchasing card shall be responsible for inquiring with a vendor regarding any erroneous charges, disputed items, or returns within ten business days from receipt of the statement. Disputed charges can result from failure to receive goods, fraud or misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, or other reasons. The person making the inquiry should contact the vendor first to resolve any outstanding issues. If the Department Head is unable to reach agreement with the vendor, the Department Head will notify the City Clerk, and the purchase card provider will be notified of the disputed item.

**16.7 NO PERSONAL USE**

Personal use of City purchasing cards is forbidden. There shall be no exceptions.

**16.8 SECURITY**

An employee who is issued a purchasing card must take reasonable precautions to see that the card is not lost, stolen, or misused. An employee must notify their supervisor immediately if a card cannot be located.

**16.9 RECEIPTS**

Employees using a City purchasing card must provide the supervisor with receipts for all card purchases within five days of purchase. If used for travel related expenditures, see Section 19 for Expense Report procedures. In this case, receipts will be submitted with Expense Report to the

Finance Director within five days of return. Upon reconciliation of the purchasing card statement to all receipts received by the Accounts Payable clerk, any employees having a charge without a receipt will be given a notice. The employee will have 2 days from receipt of this notice to produce a receipt. Any charge still not documented by a receipt shall be considered a personal use of the purchasing card and will be charged to the employee.

**16.10 DISCIPLINARY ACTION**

Personal use of a City purchasing card, or failure to take reasonable precautions to prevent the loss, theft, or misuse of a City purchasing card, or failure to promptly notify a supervisor of a missing purchasing card, shall be considered a careless, negligent, or improper use of City property or funds and shall be subject to disciplinary action. Repeated failure to provide receipts in a timely manner may be subject to revocation of purchasing card.

**SECTION 17**  
**WORKPLACE VIOLENCE PREVENTION**

**17.1 POLICY**

The City of Concordia is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," brandishing or handling a firearm in a threatening, careless, or irresponsible manner, or other conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Department Head or City Manager may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring their disputes or differences with other employees to the attention of their Department Head or the Personnel Department before the situation escalates into potential violence. Discipline will not be given to employees raising such concerns.

**17.2 FIREARMS CARRY**

1. The provisions of Section 17.2 do not apply to law enforcement officers and such other employees as are specifically permitted to carry firearms by the city manager.
2. Open carry of firearms while on the premises of the city's business or while engaged in the duties of employment, including while in a city-provided means of conveyance, is prohibited.
3. An employee carries a concealed handgun at her or his own risk. The carrying of a firearm is not within the course and scope of employment.

4. The city may challenge the eligibility for workers compensation or other insurance coverage with respect to an injury to an employee associated with her or his firearm.
5. The city may refuse to defend an employee with respect to claims associated with her or his firearm.
6. Employees are not permitted to leave a firearm unattended or in plain sight at any city premises or in any city means of conveyance.
7. An employee is not authorized to carry a concealed firearm into a space where firearms are legally prohibited, such as a private business premises that prohibits firearms.
8. Firearms of employees may not be stored, temporarily placed, or left unattended in any city facility or means of conveyance.
9. The city is not responsible for loss of or damage to an employee's firearm.
10. An employee's decision to carry a concealed firearm does not excuse the employee from the performance of any duty or task required in the course of employment.

**SECTION 18**  
**EMPLOYEE TRAVEL & MEAL REIMBURSEMENT/ALLOWABLE EXPENSE**

**18.1 BACKGROUND**

The Internal Revenue Service (IRS) requires expenses which are to be reimbursed by the employer (or put on City purchasing cards) to be substantiated. This requires employees to obtain receipts or invoices for all expenditures for which the employee seeks to have reimbursed or expensed through the use of purchasing card. Failure to submit receipts or invoices with the Expense Report form will result in the denial of reimbursement, or in the case of purchasing card expense, the expense being charged to the employee. The IRS explains that in order for travel meal reimbursements to be excludable from wages, employees must be traveling away from their tax home on their employer's business. It defines "traveling away from home" as:

- A. Employee must be traveling away from the general tax home area substantially longer than an ordinary day's work, and
- B. Employee needs to obtain substantial sleep or rest to meet the demands of the work while away from home

The U.S. Supreme Court has interpreted this to mean *overnight travel*. All overnight expenses can be non-taxable to the employee given that the reimbursement or expense is for a business expense and substantiated with receipts (for more IRS information about meal & travel reimbursements see Circular E, Employer's Tax Guide, Publication 15 & the IRS Taxable Fringe Benefit Guide). Otherwise, purchases for meals must be made by the employee and submitted for reimbursement through payroll.

**18.2 POLICY**

The following guidelines will govern City business related expenses for professional meetings and trainings, what is acceptable, and the process for non-taxable reimbursement, or allowable expense, to the employee.

- A. All travel is to be approved by the Department Head AND City Manager prior to travel by the filling out of the "Training/Travel Request Form."
- B. The Expense Report form needs to be submitted within 5 days after expenses are incurred for allowance of expense when using the City purchasing card or for eligible reimbursement when personal finances are used.
- C. Travel related meal reimbursements/expenses will not be allowed for travel within Cloud County.
- D. Travel related expense **advances** will not be given under any circumstance.
- E. Receipts will be required for all travel related expenses. Those receipts not received within 5 days of the charge will be charged to the employee as a personal expense.

**18.3 MEALS/FOOD**

- A. Purchasing card use related to meals will **ONLY** be allowed if the employee is staying *overnight*. If the travel does not require overnight stay then the employee **MUST USE** his or her own financial means to pay expenses and then submit for reimbursement through payroll using the Payroll Reimbursement form in addition to the Expense Report.
- B. Incidental snacks and drinks are a personal expense.
- C. The City **cannot** reimburse for alcoholic beverages.

- D. Any non-allowable purchases should be made on a separate receipt (Alcoholic beverages, amounts in excess of policy, etc.). If a separate receipt cannot be obtained, the purchase must be made using personal finances and will be reimbursed to the extent allowed under the policy.
- E. When registration to a conference includes meals, employees will not be allowed the reimbursement/expense for those same meals separately regardless of if the employee ate the provided meal.
- F. The maximum allowable meal reimbursement/expense per day with receipts, when traveling in the state of Kansas, will be \$44 including tax, broken into the following categories:

Breakfast: \$10.00                      Lunch: \$14.00                      Dinner: \$20.00

Travel outside the state of Kansas will use IRS established per diem guidelines for allowable meal expense in total, split as 15% breakfast, 35% lunch and 50% dinner.

Tips are allowable up to 15% of the meal cost. The total bill (including tip) is subject to the allowable amounts stated above.

- 1. Breakfast may be claimed only if employee has an overnight stay or leaves for travel before 6:00am.
  - 2. Lunch may be claimed if employee is not within County boundaries during the regular scheduled lunch period.
  - 3. Dinner may be claimed if the employee is away from their normal work location in a travel status overnight or required to remain in a travel status until after 7:00pm.
- F. Employees should exercise the same care in incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

**18.4 MILEAGE**

- A. All attempts should be made to use a City vehicle for travel.
- B. In the event that a City vehicle is not available, an employee may be reimbursed for mileage according to Section 3.13 of this Personnel Handbook.
- C. Personal commuting between the employee's residence and place of work is considered personal use and will not be reimbursed.

**18.5 FUEL**

Fuel cost is not taxable to the employee. Therefore, when using a City vehicle, the employee may use a City Purchasing Card or may use personal finances and then submit for reimbursement. When using a personal vehicle for travel, only mileage will be reimbursable.

**18.6 LODGING**

- A. Lodging is not taxable to the employee. Therefore, the employee may use a City Purchasing Card or may use personal finances and then submit for reimbursement.
- B. Overnight lodging is permitted if the seminar or conference is more than one day AND more than 60 miles from the City Building.
- C. Other overnight lodging shall be permitted upon approval of the City Manager or Department Head.

- D. No reimbursements will be made for entertainment, including but not limited to: movies, social or athletic activities, or alcoholic beverages.
- E. Hotel accommodations should utilize the conference-sponsored hotels OR a less expensive nearby option. If this is not possible, alternative arrangements made must request the government rate to secure the best rate.

**18.7 REIMBURSEMENT/EXPENSE PROCESS**

- A. To be reimbursed or have purchasing card expense be approved, the employee must complete an "Expense Report" available from the Personnel Director. If seeking reimbursement, the employee must also submit a completed "Payroll Reimbursement" form.
- B. Receipts must be attached to the "Expense Report/Payroll Reimbursement" forms.
- C. The employee and the employee's supervisor or Department Head must sign the "Expense Report/Payroll Reimbursement" forms.
- D. The employee must submit the completed "Expense Report/Payroll Reimbursement" forms to the Finance Director to be processed within 5 days of travel.
- E. Employees will be held responsible for unauthorized costs, additional expenses incurred for personal preference or convenience, and costs on a City purchasing card which are not substantiated with a receipt and included with an Expense Report within 5 days of travel.

**SECTION 19**  
**UNIFORM REIMBURSEMENT**

**19.1 POLICY**

Clothing or uniforms are excluded from wages of an employee if they meet both of the following conditions:

- A. Specifically required as a condition of employment, AND
- B. Are not worn or adaptable to general usage as ordinary clothing.

This determination will be made by the Department Head. If it is determined that the clothing is excludable from wages, then it will be purchased by the City using a purchasing card or check. If it is determined that the clothing needs to be included in wages, then the employee **MUST** purchase the clothing him/herself and submit for reimbursement from the City using the "Payroll Reimbursement" form which can be obtained from the Personnel Director. All applicable receipts must be submitted with this form or reimbursement will not be allowed. The form and applicable receipts must be submitted to the Finance Director for approval within 5 days of purchase.

## SECTION 20 HEALTH PLAN ELIGIBILITY

### 19.1 DEFINITIONS

A. Benefit Eligible Employee Notice

You are considered a 'benefit eligible employee' (this means that we have the reasonable expectation that you will be averaging at least 30 hours per week during the course of your employment with our organization) for purposes of the ACA federal health reform laws and are eligible for participation in our group health plan. If your job status changes, you will be notified in writing. If your health insurance eligibility changes, the terms of the health plan will determine your options to continue coverage. You are eligible to enroll yourself, your legal spouse, and any eligible dependents in our health insurance plan. Your coverage will begin on the first of the month following 60 days of service.

B. Seasonal Employee Notice

You are considered a 'seasonal employee' for purposes of the ACA federal health reform laws and do not qualify to participate in our plan. A seasonal employee is an employee in a position where the customary annual employment is six months or less, and that period begins in approximately the same part of each calendar year, such as summer or winter. Your hours may fluctuate from time to time depending on business needs and how your hours are scheduled. Simply because your hours may increase from time-to-time does not mean you cease to be a seasonal employee; it does not mean you are 'full-time' for benefits or any other purpose. If your job status changes, you will be notified in writing. In the absence of such notice by us, a change has not occurred.

C. Variable Hour Employee Notice or Non-benefit Eligible Employee Notice

You are considered a 'variable hour or non-benefit eligible employee' for purposes of the ACA federal health reform law because you work in a job position where you generally are not expected to work more than 30 hours per week *on average*. Your hours may fluctuate from time to time depending on business needs and how your hours are scheduled. Such variation does not mean you are 'full-time' for benefits or any other purpose. If your job status changes, you will be notified in writing. In the absence of such notice by us, a change has not occurred.

ACA federal laws state that an employer is to measure your actual hours worked to determine whether your average annual hours worked indicate you might become eligible for health plan coverage in the future. We will track your hours over a 12-month Initial Measurement Period starting with the first day of the first month following your date of hire. If you are eligible for coverage, it would start the first day of the second full month following your employment anniversary. You would remain eligible during your Initial Stability Period, which lasts for 12 months. Coverage is never available retroactively. You may still waive or decline the coverage; you do not have to elect our health insurance. To determine your continued eligibility going forward, your hours will be tracked for each following year as well, according to our ACA tracking period for our on-going employees.

If you become eligible for the coverage we offer, it could impact your eligibility for ACA Marketplace health insurance coverage. Review those rules with your personal financial, tax or legal advisor.

**If you are benefit eligible and elect our health plan coverage**, you must pay your share of the premiums which will be set and communicated on an annual basis, with intended compliance with ACA federal health reform and any other applicable laws. We will typically payroll deduct your share of the premiums from your paychecks. However, if other payment arrangements are necessary, premiums are due by the 14<sup>th</sup> day of the month for the following month's coverage, payable to the Employer and deliverable to the Employers

business office. If premiums are not paid by that date, with a 10-day grace period, your coverage will terminate, and continuation generally will not be available.

Also, if you elect our plan coverage, federal law generally requires you must keep that coverage until our next open enrollment period. Very limited circumstances, referred to as qualifying events or family status changes, would permit you to drop your insurance election mid-year. For example, if your hours decrease, you cannot drop the coverage. If your paycheck is not sufficient to pay your share of the premiums, that will be a debt you owe to us.

To determine future insurance eligibility, your hours will be tracked on an annual basis. The tracking timeframe for our on-going employees is based on our formal benefit plan year. If you average 30 hours per week or 130 hours per month during our Standard Measurement Period, you will be eligible for coverage during our Stability Period.

Our 12 Month **Standard Measurement Period** runs from September 1 – August 31

Our 12 Month **Stability Period** runs from October 1 to September 30, which mirrors our health insurance plan year.

Finally, health insurance coverage ends the last day of the month in which you are no longer actively working and have exhausted any applicable vacation/sick leave/FMLA; your employment contract ends; you cease to be employed in a classification of employment which is eligible for benefits; or the end of your Stability Period. When your eligibility for our coverage ends, we will extend any applicable continuation opportunity for you to consider, such as federal or state COBRA continuation, USERRA for eligible military situations, or early retirement insurance extended by Kansas Statute Annotated KSA 12-5040 to KPERS Retirees.

**If you decline participation in our health plan** at your initial eligibility, you generally cannot participate until a future open enrollment date of October 1<sup>st</sup> (sign-ups usually held in August), or a special enrollment event, as required by law. To request special enrollment or obtain more information about special enrollment events, contact the Employer identified below within 31 days of such possible event, so you do not miss the special enrollment eligibility window.