

Official Copy

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

**2025 Edition**

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## **Section I: Introduction, Purpose and General Provisions**

### **1-A: Purpose of Employee Handbook**

This Employee Handbook, adopted by the Governing Body of the City of Spring Hill, Kansas, provides a summary of the employment and human resources policies, procedures, and practices of the City and should be used as an outline of the basic human resources policies, practices, and procedures of the City. The Employee Handbook is not intended to alter the employment-at-will relationship in any way. This Handbook contains statements of City policy and may not include all the details of each policy. In addition, this Handbook should not be interpreted as forming an express or implied contract that the policies discussed in the Handbook will be applied in all cases. The City may add to the policies in the Employee Handbook or revoke or modify them at any time.

The City's employment policies, practices, and procedures will apply equally to all employees and officers, unless exempted by law, contract, or the specific terms of a policy or policies. Where federal or state law or city ordinance conflict with the policies contained in the Employee Handbook, employees and officers must observe the requirements of federal or state law or municipal ordinance.

### **1-B: Employment-At-Will**

It is the policy of the City that all employees and officers who do not have a written employment contract with the City for a specific fixed term of employment are employed at the will of the City and are subject to termination of employment at any time, for any reason, with or without cause or notice. At the same time, employees and officers may terminate their employment with the City at any time and for any reason.

No City employee or officer, elected official, or representative is authorized to modify this policy for any employee or officer, or enter into any contract, agreement, whether oral or written, that amends the employment-at-will relationship.

### **1-C: Coverage of Employee Handbook**

The Employee Handbook shall apply, to the fullest extent possible, to all officers and employees, appointed officials, and employees who have written employment agreements, to the extent permitted by law and consistent with the provisions of the Employee Handbook, with the exception of elected officials.

### **1-D: Positive Employer-Employee Relations**

The City seeks self-disciplined employees who are committed to public service and the City's best interests. The City seeks to establish a mutually rewarding direct relationship with its officers and employees without the intervention of outside groups. The City is committed to providing employees with a civil and team-oriented work environment that encourages respect and outstanding performance. Thus, the City attempts to provide:

1. Equal employment opportunity and treatment regardless of race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed, age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or service in the military;
2. Appropriate training and available resources to officers and employees to best serve the public's interest;
3. Market and performance-based compensation;
4. Competitive and flexible employee benefits and leave;
5. A safe and productive work environment free from harassment or uncivil treatment;
6. Reasonable hours of work based upon the City's business and service needs;
7. Appropriate training and professional development opportunities;
8. Compliance with applicable regulations concerning employees' safety;
9. Indemnification and defense of employees acting within the scope of their employment and in compliance with City policies as required by state law;
10. Opportunities to provide constructive suggestions about job duties, working conditions and the provision of public services; and,
11. Opportunities for employees to discuss concerns with their Supervisor, Department Head, or the Human Resources Director.

The City expects all employees to:

1. Communicate with members of the public and co-workers in a civil and professional manner;
2. Represent the City in an ethical manner;
3. Perform their duties in an efficient and effective manner;
4. Report to work as scheduled and on time;
5. Conduct themselves in a considerate, friendly and productive manner; and
6. Comply with the City's policies.

The City retains the sole discretion to exercise all managerial functions, including the right to:

1. Assign, supervise, discipline, and discharge employees;
2. Establish work periods and shifts;
3. Transfer and assign employees as needed;
4. Establish and modify the size and qualifications of the workforce;
5. Maintain a direct relationship with employees;
6. Establish and modify the duties and qualifications of positions;
7. Determine and amend the methods in which City operations are conducted.

#### **I-E: Equal Employment Opportunity and Prohibiting Discrimination and Harassment**

1. It is the policy of the City to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in any aspect of employment because of race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed, age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or

membership or service in the military, or any other characteristic protected by applicable federal or state law. The City is committed to providing a zero-tolerance work environment that prohibits unlawful discrimination practices, including harassment, and promotes equal employment opportunities. The City prohibits and will not tolerate unlawful discrimination by officers or employees against any officer, employee, or applicant for employment.

2. This policy prohibiting discrimination in employment applies to all terms, conditions, and privileges of employment and all city policies, including, but not limited to: recruitment, hiring, placement, promotion, transfer, compensation, benefits, and termination. Provisions in applicable laws providing for bona fide occupational qualification, business necessity or age limitations will be adhered to by the City where appropriate.
3. As part of the City's equal opportunity in employment policy, the City will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, protected veterans, and qualified disabled persons are introduced into our workforce and considered for promotional opportunities.
4. Employees and applicants shall not be subjected to harassment, intimidation, or any type of retaliation because they have (1) filed a complaint; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state, or local law requiring equal opportunity.
5. It is the policy of the City to prohibit harassment in the workplace and not to tolerate verbal or physical conduct by any officer or employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. The City prohibits all forms of harassment, especially based upon race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed, age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or membership or service in the military.
6. Civility
  - a. All officers and employees shall behave with civility, fairness, and respect in dealing with fellow employees, citizens, visitors, and anyone else having business with the City. Uncivil behaviors are prohibited. Employees and officers shall treat all persons with whom they interact with professionalism, courtesy, dignity, and respect.
7. The City will take direct and immediate action to prevent, correct, and address all reported instances of discrimination, harassment and uncivil behavior. It is everyone's responsibility to keep the workplace free of such behaviors. Discrimination, harassment, uncivil behavior or other violations of this policy will result in disciplinary action up to and including termination of employment.

8. Retaliation against a person who reports a claim is prohibited and will result in disciplinary action up to and including termination of employment for employees and officers, and sanction, removal from appointment, public censure, or other appropriate consequence for appointed or elected officials.
9. Reporting allegations in the workplace:
  - a. Officers, employees, and applicants are encouraged to report any concerns with regard to being subjected to discrimination, harassment, retaliation, or uncivil behavior in the workplace. Officers, employees, and applicants who witness or become aware of others being subjected to discrimination, harassment or uncivil behavior in the workplace must report those concerns.
    - 1) Any officer, employee or applicant who becomes aware of situations involving unwelcome or inappropriate behavior directed toward him or her or against another employee of the City, should immediately report the matter to Human Resources.
    - 2) While employees are encouraged to report such allegations directly to Human Resources, employees may also report such allegations to a Supervisor, Manager, or Department Head without regard to the chain of command.
    - 3) Any Supervisor, Manager, or Department Head who receives a complaint or allegation of discrimination or harassment must immediately report the complaint or allegation to Human Resources.
  - b. Any complaint directed against or with regard to conduct of the City Administrator or a City Council member shall be promptly reported to the Mayor (or the President of the Council if the Mayor is the subject of the complaint) and the City Attorney.
  - c. Any complaint directed against or with regard to the conduct of the City Attorney shall be promptly reported to the Mayor and the City Administrator.
  - d. Any complaint or allegation directed against the Human Resources Director shall be promptly reported to the City Administrator.
10. Investigating allegations:
  - a. Upon receipt of any complaint or allegation, the City will immediately initiate an investigation of the matter.
    - 1) All employees, officers, appointed, and elected officials will fully cooperate with the investigation without fear of retaliation or reprisal; provided that, an employee who alleges that he or she was subjected to discrimination, harassment, or retaliation in the matter under investigation is not obligated to cooperate, but the City may be unable to fully investigate his or her allegation(s).

- 2) Employees, other than those allegedly subjected to discrimination, harassment, or retaliation in the specific matter under investigation, who refuse to fully cooperate with the investigation and answer questions from or comply with direction from the investigator may be subject to disciplinary action, up to and including discharge.
- b. The Human Resources Director will ordinarily conduct an investigation; however, the Human Resources Director in consultation with the City Attorney may assign the investigation of the matter to the City Attorney, outside counsel, or a third-party, when appropriate.
  - c. If the complaint is directed against the Human Resources Director, the City Administrator, the City Attorney, or a member of the Governing Body, the city shall employ outside counsel or a third-party outside city employment to conduct the investigation.
11. The City will make reasonable accommodations for the impairments of qualified employees and applicants for employment with disabilities, consistent with the qualifications required for the essential functions of the position, unless the accommodation would cause undue hardship on the operation of the City's business. The City will make reasonable accommodations for individuals' bona fide religious beliefs and practices to the extent required by federal or state law, unless such accommodation would result in undue hardship.
  - a. Disabilities
    - 1) When an employee or applicant requests accommodation, the individual must let the City know that he or she needs an adjustment or change for a reason related to a physical or mental condition or limitation.
    - 2) When an employee or applicant appears to have an obvious need for an accommodation but has not made a request for one, a Supervisor or Department Head shall contact the Human Resources Director who will initiate an informal, interactive process with the employee or applicant.
    - 3) When the disability and/or the need for accommodation is not obvious or the individual has not previously provided the City with sufficient information to determine that he or she possesses a disability under the ADA, the City may ask the individual for reasonable documentation to establish that he or she has a qualifying disability requiring a reasonable accommodation. The City may require the documentation and the functional limitations come from health care professional.
    - 4) The City may choose among reasonable accommodations as long as the chosen accommodation is effective. While the individual's preference will be given consideration, the City may choose between effective accommodations.



- 5) The City may not require a qualified individual with a disability to accept an accommodation. If, however, an employee needs a reasonable accommodation to perform an essential function or to eliminate an impediment, and refuses to accept an effective accommodation, he or she may not be qualified to remain in the job.

b. Religious Beliefs and Practices

- 1) An individual may request a reasonable accommodation for his or her religious beliefs or practices. "Religion," includes religious observance and practice, as well as moral or ethical beliefs held with the commitment ordinarily associated with traditional religious views. When an employee or applicant requests accommodation of a religious belief or practice, the individual must describe the nature of the religious belief or practice and the employment rule or requirement with which it conflicts.
- 2) Any Supervisor or Department Head receiving a request shall document and forward the request and any relevant information to the Human Resources Director as soon as practical.
- 3) The Human Resources Director may ask the individual relevant questions make an informed decision about the request, including what sort of accommodation is sought.
- 4) The City does not have to agree to a specific accommodation preferred by the employee or applicant and does not have to provide an accommodation if doing so would impose an undue hardship.

**I-F: Violence in the Workplace**

The City will not tolerate, condone, or permit, threatening or disruptive behavior by officers or employees, volunteers, those who conduct business with the City, or members of the public. The City will take reasonable measures to provide a workplace free from acts or threats of violence.

Violence directed against others is strictly prohibited. The City will take direct and immediate action to prevent such behavior, and to remedy all reported instances.

Violations by employees will result in disciplinary action up to and including termination of employment. All officers and employees have a responsibility to keep the workplace free of violence or other disruptive behavior.

Any employee who witnesses an act of workplace violence or who believes in good faith that he or she has been subjected to such violence or prohibited behavior is required to immediately report the matter. Any Supervisor or Department Head, upon receiving a complaint, allegation, or notice

of conduct prohibited or potential violence in the workplace shall take immediate action to address any imminent threat and notify the Human Resources Director.

### **I-G: Ethics and Business Conduct**

The City is committed to providing public services and conducting business consistent with the highest standards of ethics and business conduct. All Department Heads, officers, and employees are expected to perform their duties at the highest level of ethical conduct and business and professional standards founded upon personal integrity and fair dealing. Officers, Department Heads, and employees must comply with the City's Code of Ethics and with all applicable state and federal laws and regulations. All City employees are expected to conduct themselves in a manner that will not reflect adversely upon themselves or the City. The City expects employees to behave in a manner that will engender the continued trust and confidence of the public. The City's Code of Ethics will be distributed to all City employees and all newly hired employees at the initiation of their employment.

### **I-H: Employee Safety**

The City complies with all applicable federal, state, and local health and safety regulations and is committed to providing a safe work environment as free as reasonably possible from recognized hazards. Employees are expected to comply with all applicable City, state, and federal workplace safety requirements. Employees must report any safety and health violations, potentially unsafe conditions, or accidents to the Safety Officer, their Supervisor, or Department Head. Employees may not suffer retaliation for reporting good faith health and safety concerns. Employees are encouraged to submit suggestions regarding workplace safety to the Safety Officer, their Supervisor, or Department Head. Department Heads and Supervisors are responsible for ensuring that employees understand and comply with all City and departmental safety rules, regulations, and procedures in the course of their normal daily responsibilities. Violations of safety rules may result in disciplinary action, up to and including termination from employment.

#### **Safety Officer**

The City has appointed the Human Resources Director as the City's Safety Officer, in absence of an assigned Department Head or their designee, to oversee compliance with the City's or Departmental safety procedures.

### **I-I: Nepotism and Personal Relationships**

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

For the purposes of this policy, the term "immediate family member" shall include an employee's:

1. Spouse and spouse's parents;
2. Children and their spouses;
3. Parents and parents' spouses;
4. Siblings and their spouses; and
5. Grandparents and grandchildren and their respective spouses.

Any employee who is aware of an immediate familial relationship between employees, including themselves, must report it immediately to Human Resources. In the event of employees dating each other, even if no supervisory relationship exists between the employees, the employees in a relationship must report the relationship to the Human Resources Director. The Human Resources Director shall take action to prevent any conflict, or the potential for conflict, including reassignment of employees or supervisory reporting structure, or any other action deemed appropriate, in accordance with the law and in consultation with the City Administrator. In no event shall one employee supervise or manage another employee with whom the supervisory or managerial employee is in a relationship with or married to.

## **Section II: Administration**

### **II-A: Administration of Employee Handbook and Personnel Policies**

The Employee Handbook contains a summary of the City's employment and personnel policies, procedures and practices and should be used as a guideline and policy statement of the human resources policies of the City. The Employee Handbook and the policies set forth in the Handbook have been adopted by the Governing Body. While the City may add to the policies in the Employee Handbook or revoke or modify them at any time, amendment of the Employee Handbook ordinarily shall be made by the Governing Body's adoption of a resolution or ordinance. The Employee Handbook does not and is not intended to alter the employment-at-will relationship in any way.

This Handbook contains statements of City policy and may not include all the details of each policy. The personnel policies of the City apply to all City employees other than elected officials, including Department Heads and officers who possess an employment relationship with the City. The policies set forth in the Employee Handbook shall fully apply, unless a statute, contractual obligation, or ordinance or resolution adopted by the Governing Body contains specific language clearly and directly inconsistent with the Employee Handbook which cannot be reasonably interpreted to reconcile such inconsistency. In such circumstances, the specific language in the applicable statute, contractual obligation, ordinance or resolution will apply, but only to the narrowest extent possible in order to reconcile the inconsistency and to give the broadest possible application to the policies set forth in the Employee Handbook.

The City's personnel policies, including but not limited to those set forth in the Employee Handbook, shall be administered by the City Administrator and the Human Resources Director and, as designated, by the City's Department Heads under the supervision of the City Administrator and in consultation with the Human Resources Director and City Attorney, when appropriate.

## **II-B: Authority and Responsibility of the Governing Body**

Nothing contained within this Employee Handbook or other personnel policies, procedures or practices of the City restricts, limits, or is intended to restrict the authority or powers of the Governing Body of the City of Spring Hill, Kansas from the powers, authorities, and responsibilities conferred upon the Mayor and City Council as a City of the second class by the laws of the State of Kansas, Charter Ordinances, and Ordinances adopted by the City. All executive and administrative authority granted or limited by law remains vested in the Mayor and City Council.

### **Adoption and Amendment of Employee Handbook**

The Governing Body retains the sole authority to amend the Employee Handbook. The authority and responsibility conferred upon the City Administrator, Human Resources Director, officers and Department Heads shall be limited to acting in compliance with and furtherance of the personnel policies adopted by the Employee Handbook. Any administrative or departmental policies, procedures, or practices adopted by the City Administrator, Human Resources Director, or Department Heads shall be in compliance with and in furtherance of the policies adopted by the Employee Handbook. The Governing Body may choose to adopt a personnel policy or policies applicable solely to an individual department as an alternative or supplement to the Employee Handbook when advisable to address unique operational requirements, conditions, or business needs.

### **Appointment and Discipline of City Administrator, Officers and Department Heads**

The Mayor, with the consent of the City Council, may appoint such City Officers and Department Heads deemed necessary or advisable for the efficient and effective administration of the City, including but not limited to, a City Administrator, Assistant City Administrators, City Clerk, City Treasurer, Chief of Police, Director of Public Works, Director of Finance, Director of Community Development, Director of Human Resources, Judge of the Municipal Court, Municipal Prosecutor, City Attorney, City Engineer, and such other Officers or Department Heads. The City's management team structure, reporting relationships, and management may be amended only upon the action of the Mayor with the consent of the City Council. In addition, the Governing Body may choose to retain licensed professionals or contractors to act in the capacity of such officers, including the City Engineer and City Attorney.

The salary or wage rate of the City's Department Heads and officers who serve in an employment capacity shall be set forth in the City's salary resolution or established in an employment contract adopted and approved in formal action by the Governing Body. Compensation for officers retained as independent contractors shall be separately established by resolution, ordinance, or formally adopted contract. Independent contractors are not employees and are not subject to the provisions of the Employee Handbook.

The Mayor and City Council shall have the authority to discipline, including the authority to terminate the employment of appointed officers and Department Heads. While the City Administrator shall supervise all City employees, including Department Heads, and may coach, counsel, or reprimand department heads and officers as provided in the Employee Handbook, the authority for taking significant disciplinary action against officers and Department Heads,

including suspension, demotion, and termination of employment, shall remain vested in the Mayor and City Council, ordinarily upon the recommendation of or in consultation with the City Administrator and City Attorney.

## **II-C: Authority and Responsibility of the City Administrator**

The City Administrator is the chief administrative official of the City, appointed by the Mayor upon consent of the City Council. The City Administrator shall possess the powers, duties, and responsibilities established in the Municipal Code and ordinances of the City of Spring Hill, Kansas, and set forth in the Employee Handbook, including but not limited to: administration of the City's personnel and human resources policies, including the Employee Handbook; the authority and responsibility to manage, administer and supervise the departments of and services provided by the City; supervise, evaluate, manage and direct department heads and officers, where appropriate, and provide recommendations regarding hiring, restructuring of positions, and the issuance of formal disciplinary action of department heads and officers to the Mayor and City Council; the authority to hire, discipline, and discharge all other City employees; oversee approval and authorization of the use and designation of leave and benefits as set forth within the Employee Handbook;; recommending the classification, salary and wage rate of City employees; participating in and hearing employee grievances as provided herein; adopting or approving such administrative policies, procedures and practices necessary or appropriate for the administration of the personnel policies of the City, subject to the provisions of the Employee Handbook; approving department-specific policies, procedures and practices for the administration of the City's personnel policies, subject to the provisions of the Employee Handbook.

### **Delegation of Authority**

The City Administrator may delegate certain aspects of his or her authority for the administration of the City's personnel policies, management and supervision, except where applicable law, ordinance, resolution, the Employee Handbook, or such other policies specifically require action by the City Administrator; provided that, the City Administrator may not delegate the supervision and management of Department Heads without the approval of the Mayor and consent of the City Council. The City Administrator's delegation of any authority shall not relieve the City Administrator of any such duty or the responsibility for management, administration or approval.

### **Adoption of Administrative Guidance and Department-Specific Rules and Regulations**

The City Administrator may adopt or approve further personnel policies, procedures and practices, on his or her own initiative or as recommended by the Human Resources Director, City Attorney, or Department Heads. Such policies, procedures and practices must be entirely in compliance with and in furtherance of the policies as set forth in the Employee Handbook or established by applicable law, ordinance, or resolution.

In light of the nature of the functions and operations of specific City departments, additional department-specific rules, regulations, procedures and practices may be necessary or advisable for training, operations, safety, applicable legal standards, and conditions beyond the policies contained within the Employee Handbook. Such department-specific rules and regulations which impact or affect the City's personnel policies must be submitted to and approved in writing by the City Administrator. Purely operational procedures, rules and regulations that do not impact, affect,

broaden, or limit the application of the Employee Handbook or other personnel policies, procedures or practices of the City, as described in the Employee Handbook, may be approved and adopted by and under the authority of the respective Department Head designated with the authority to manage and supervise his or her department, in consultation with the City Administrator and Human Resources Director but shall not require the written approval the City Administrator.

#### **Vacancy in the Office of City Administrator**

In the event of a vacancy in the position and office of City Administrator, the Mayor may recommend and with the consent of the City Council, appoint an interim City Administrator.

#### **II-D: Authority and Responsibility of City Officers/Department Heads**

Department Heads, appointed by the Mayor with the consent of the City Council, are responsible for the efficient and effective management, administration, and supervision of specific City departments and functions under the supervision and direction of the City Administrator. Department Heads may delegate specific authority to Supervisors or employees, but such delegation shall not relieve a department head from his or her duty and responsibility to ensure the proper management and administration of the department.

Department Heads shall supervise, evaluate, and manage the employees in their respective departments. Consistent with the City's Municipal Code, Employee Handbook, and personnel policies and procedures, Department Heads shall: issue performance improvement, corrective or disciplinary action, including counseling, verbal and written reprimands to employees under their management or supervision, as warranted, following consultation with the Human Resources Director; make hiring and promotional recommendations and recommend the issuance of serious corrective or disciplinary action, including suspensions, demotions, or terminations of employment to the City Administrator, when appropriate, following consultation with the Human Resources Director; may transfer employees within the department and/or reassign duties or responsibilities as business needs dictate; develop, implement and amend operational policies, procedures, and guidelines; ensure compliance with applicable safety and security standards; recommend department-specific administrative personnel guidance, practices, rules and regulations to the City Administrator and Human Resources Director.

#### **Adoption of Departmental Procedures and Department-Specific Rules and Regulations**

Department Heads may adopt departmental operational procedures, practices, rules and regulations that do not affect, broaden, or limit the policies set forth in the Employee Handbook or the City's other personnel policies, administrative procedures, or human resources practices, which are advisable or consistent with best practices, industry standards, or business needs. Department Heads shall recommend supplemental policies, procedures and practices providing additional guidance or rules in compliance with and in furtherance of the personnel policies adopted by the Employee Handbook to the Human Resources Director for review and to the City Administrator or designee for written approval. Alternatively, in light of unique business or operational needs, Department Heads may recommend that the City Administrator request the Governing Body adopt a department-specific personnel policy or Employee Handbook amendment specifically applicable to a single department. Under no circumstances, however, shall

a Department Head adopt a policy that conflicts with the City's Employee Handbook or shall the City Administrator adopt a supplemental or additional administrative policy that is inconsistent with the Employee Handbook. Department-specific standards may be used in evaluating employee performance and as a basis for disciplinary action.

## **II-E: Authority and Responsibility of the Human Resources Director**

The City's personnel policies, including but not limited to those set forth in the Employee Handbook, shall be administered by the Human Resources Director under the direction and supervision of the City Administrator. As set forth in this Employee Handbook, the Human Resources Director shall be responsible for maintaining and/or overseeing the City's personnel files, employee pay rates, job postings and applications, selection materials, leave accruals and usage, and employee benefits records. The Human Resources Director, at the direction of the City Administrator and with the assistance of Department Heads and Supervisors, shall bear primary responsibility for implementation of the City's personnel policies, the administration of the City's human resources functions and practices, and the administration of the City's leave and employee benefit provisions. The City's management team shall consult with the Human Resources Director on all matters of personnel and human resources management. In addition, the Human Resources Director shall implement or recommend necessary or advisable training, education, and development programs for all levels of employees, shall ensure the distribution and execution of receipt of the Employee Handbook to all employees, and shall conduct orientation for all new hires.

## **Adoption of Administrative Procedures, Guidance and Personnel Practices**

The Human Resources Director may develop and recommend the adoption of administrative procedures and practices to clarify, further, and more effectively and efficiently administer the City's personnel policies, subject to the written approval of the City Administrator. The Human Resources Director may also develop and implement consistent practices, processes and forms for employees, Supervisors and Department Heads to use for more effective and efficient administration of the City's human resources functions; provided that, such practices, processes and forms must be fully consistent with and in furtherance of and shall not alter the City's personnel policies.

## **Section III: Employment**

### **III-A: Employment Categories**

The City categorizes positions and employment status for the purposes of determining authority and responsibility under the Employee Handbook and for the compensation and benefits administration. Each position will be categorized as follows:

1. Officer or Employee
  - a. "Officer" means the City Administrator; Assistant City Administrator(s); the City Clerk; City Attorney; City Engineer; Judge of the Municipal Court; City Prosecutor; Department Heads, including but not limited to the Chief of Police, the Director of

Finance/City Treasurer, the Director of Public Works, the Director of Community Development, Director of Human Resources, and such other Department Heads or officials as deemed necessary by the Governing Body.

- 1) Officers shall be appointed by the Mayor, with the consent of the City Council.
  - 2) The Governing Body may retain a City Attorney, City Engineer, Judge of the Municipal Court, or City Prosecutor, or any other officer, as an independent contractor. Any officer retained as an independent contractor shall not possess an employment relationship and shall not be subject to the provisions of the Employee Handbook or be provided with any of the leave or benefits attendant to an employment relationship; provided that, all officers, agents, volunteers and contractors shall be subject to the City's Equal Employment Opportunity and Prohibiting Discrimination and Harassment, Violence in the Workplace, and Weapons in the Workplace policies.
  - 3) The Governing Body shall have the authority to issue disciplinary action to officers, including the authority to terminate their employment consistent with the provisions of the Employee Handbook, or to sever any contractual relationship with independent contractors retained by the City to serve as an officer in any of the above-referenced positions.
  - 4) The Mayor is granted the authority to place any officers who serve as employees on Administrative Leave, as appropriate in the best interests of the City, in the course of an investigation, while the City considers employment action, or for any similar purpose as described in the Employee Handbook regarding Administrative Leave.
  - 5) The City Administrator shall have the authority to supervise Department Heads and other officers who possess an employment relationship, other than those retained as an independent contractor, with regard to performance appraisals, professional development, and may issue, upon consultation with the Governing Body, corrective or disciplinary action including coaching, verbal counseling or verbal reprimand, or a written reprimand.
  - 6) The City Administrator shall possess the authority to place an officer who possesses an employment relationship with the City, including Department Heads, on Administrative Leave consistent with the provisions of the Employee Handbook, after consulting with the Mayor or City Attorney.
- b. "Employee" means all other persons, other than officers as described above, engaged to perform services for the City in an employment relationship.
- 1) The City Administrator shall have the authority to hire, issue discipline, up to and including termination of employment, and participate in the management of employees under the City's departmental structure and consistent with the provisions of the Employee Handbook.
  - 2) Department Heads may issue employees under their management and supervision corrective or disciplinary action including coaching, verbal counseling or verbal reprimand, or a written reprimand consistent with the provisions of the Employee Handbook.



- 3) In ordinary circumstances, Department Heads shall recommend serious disciplinary action, including suspension, demotion, or termination of employment to the City Administrator for action; however, the City Administrator, upon the recommendation of the Human Resources Director, City Attorney, or special counsel, may take disciplinary action regarding violations of the City's Equal Employment Opportunity and Prohibiting Discrimination and Harassment, Violence in the Workplace, Ethics and Business Conduct, and Weapons in the Workplace policies, or upon his or her own determination when circumstances dictate.

## 2. Full-Time or Part-Time Positions

- a. "Full-Time" means a regular position which is regularly scheduled to work at least 30 hours each workweek, or who regularly works 30 hours each workweek for the purpose of receipt of healthcare coverage and related healthcare benefits. For the purposes of all other leave and benefits, "Full-Time" means an employee regularly scheduled to or who regularly works 40 hours per week.
- b. "Part-Time" means a regular position which is regularly scheduled to work less than 30 hours each workweek, for the purpose of receipt of healthcare coverage and related healthcare benefits. For the purposes of all other leave and benefits, "Part-Time" means an employee regularly scheduled to or who regularly works less than 40 hours per week.

## 3. Regular, Temporary, and Seasonal Employment

- a. "Regular" means that an employee is employed for an indefinite period.
- b. "Temporary" means that an employee is employed in a non-recurring (non-seasonal) position that is not expected to last more than a few months.
- c. "Seasonal" means that an employee is employed in a recurring (seasonal) position for which the duration of the position is generally pre-determined.

## 4. Non-Exempt or Exempt

- a. "Non-exempt employees" refers to those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.
- b. "Exempt employees" refers to those employees who are not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees are not eligible for overtime compensation.

## 5. Salaried, Hourly, or Fee Basis

- a. “Salaried” means that the employee is paid a fixed amount of compensation each pay period, subject to lawful reductions.
- b. “Hourly” means that the employee is paid a fixed hourly rate for actual hours worked.
- c. “Fee Basis” means that the employee is paid a fixed fee or percentage calculated in any legally permissible manner.

#### 6. Benefit Eligibility

- a. Regular, full-time employees who consistently work or are scheduled to work 40 hours a week are eligible for leave and benefits. Regular employees who consistently work or are scheduled to work 30 hours a week are eligible for healthcare coverage and related benefits.
- b. Regular, part-time employees regularly scheduled to work less than 30 hours a week are not entitled to benefits or leave unless specified in the Employee Handbook. Part-time employees may be eligible for leave under the Family Medical Leave Act.
- c. Temporary and seasonal employees are not entitled to benefits, leave, and may not access the City’s Grievance policy.

### **III-B: Recruitment, Selection and Placement**

It is the policy of the City as an equal opportunity employer to hire, promote, and transfer individuals on the basis of their relative skills and qualifications, ability to perform the duties of the position to be filled, and the City’s business needs. The City will recruit, employ, and promote the most qualified workforce without regard to race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed, age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or membership or service in the military, or any other characteristic protected by applicable federal or state law. The City will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans, and qualified disabled persons are introduced into our workforce and considered for promotional opportunities. Applicants for employment and employees seeking promotion must meet the minimum qualifications of the position they seek.

The City, where appropriate, will conduct credit, background, medical examination, driving record, and criminal history or criminal conviction checks or any other applicable check, on a post-offer basis, where applicable. Applicants will be informed of the process and must execute appropriate authorizations.

While position openings will ordinarily be posted for application, the City may reorganize, reassign duties to employees, transfer, or promote employees as it sees fit and in the best interests of the City, with or without posting. Employees may be promoted to higher level positions of a similar nature or within a programmatic series without posting of the position. The City may elect to post positions for internal application only or for a limited period unless external recruitment is considered to be in the City's best interest.

Employee eligibility for promotion will be determined by the requirements of the position. Absent written authorization by the City Administrator or appointment by the Mayor with the consent of the City Council to a position as a Department Head or Officer, employees must have successfully completed their initial Evaluation Period to be promoted.

The City may transfer employees at its discretion on either a temporary or long-term basis to another position in order to accommodate the City's business needs or when it is in the best interest of the City or the employee(s). Department Heads and the City Administrator shall consult the Human Resources Director, or City Attorney when appropriate, prior to selecting employees for transfer or promotion without posting. The employee must meet the minimum qualifications prior to a transfer. Employees who have completed their Evaluation Period may also request a voluntary transfer.

If a background investigation, reference check, medical, or any other subsequent investigation discloses any misrepresentation or material omission on the application form, in the course of an interview, at any stage in the selection process, or information indicating that the individual is not suited for employment with the City, the applicant will be refused employment or, if discovered after employment, may be terminated from employment.

### **Application and Recruitment**

The Human Resources Director shall develop a standardized application for employment with the City which shall be approved by the City Administrator and in consultation with the City Attorney when appropriate. A release for conducting any applicable pre-employment testing and authorization for conducting reference checks may be on the application or given separately. The Human Resources Director, in consultation with the appropriate Department Head, and upon the review and approval of the City Administrator, may develop additional application requirements and require additional supporting documentation for specific positions consistent with applicable legal requirements and business necessity.

If a position needs to be posted, it will be posted on the City's website, advertised on job boards or publications of general distribution so information is readily available to under-presented populations as well as the general public, may also be advertised in industry-specific publications, job boards, or other sources. The City will only consider applicants for the position who submit completed applications on or before the posted closing date.

### **Testing, Interviewing and Other Evaluation Methods**

The City may require pre-employment or post-offer testing as a part of the employment process. The Human Resources Director must approve the use of all pre-employment screening tools, tests or questionnaires. Applicants may be evaluated through the use of any job-related, non-

discriminatory and lawful testing and/or selection method which has been reviewed and approved by the Human Resources Director for that job. Any and all testing or evaluations involving disability-related inquiries shall be job-related, a business necessity, and conducted solely on a post-offer basis. Applicants who fail to complete any pre-employment testing in a timely manner will be eliminated from consideration or may have their job offer rescinded.

### **Selection & Offer of Employment**

The hiring authority will select the applicant to fill the job opening in consultation with the Human Resources Director. The hiring authority and Human Resources Director will determine a salary or wage rate offer. The Human Resources Director will gain final approval from the City Administrator.

### **Verification of Identity and Eligibility to Work**

All employees must be eligible to work in the United States. The Human Resources Director or his or her designee will verify such eligibility by having each employee complete an I-9 Form. An employee who does not complete the I-9 Form and provide required documentation within three business days of starting his or her job will be placed on unpaid temporary leave for a reasonable period of time to obtain the necessary documentation or may be terminated from employment.

### **Expenses for Interviewing**

When appropriate, the City may reimburse for reasonable, necessary and properly authorized expenses incurred as part of the interview and selection process. Contact Human Resources for procedures, limitations, etc. regarding travel and expense communication related to the interview and selection process.

### **III-C: Evaluation Period**

An employee hired into a full-time regular or part-time regular job must complete an initial Evaluation Period, six (6) months from date employment begins, but extends an additional six (6) months after completion of Field Training for Police Officers, to monitor and evaluate his or her performance and job fit. In the Evaluation Period, the Supervisor will evaluate the employee's abilities, performance, conduct, and other job-related factors to determine if the employee is suited for the position. The Evaluation Period also allows new employees the opportunity to determine if the job is suitable for him or her. The employee's Supervisor is responsible for providing him or her with training, performance expectations, and feedback regarding the employee's performance.

Prior to conclusion of the Evaluation Period, the new employee's Supervisor shall complete a performance appraisal indicating whether the employee has successfully completed the Evaluation Period. Employees must successfully complete the Evaluation Period to continue employment with the City. The City Administrator, or the Governing Body for newly hired Department Heads or Officers, may extend an employee's Evaluation Period due to specific training requirements of the position or unique circumstances faced by the employee. The Evaluation Period for newly hired police officers required to attend the state law enforcement training academy will not begin until the successful completion of training and initiation of law enforcement duties.

New hires who separate or are terminated from employment prior to completion of their Evaluation Period are not eligible for severance pay, including vacation payment, or to participate in the City's Grievance Procedure. Employees in their Evaluation Period are not eligible for Shared Leave or Educational Reimbursement. Eligibility and full participation in the City's other benefit programs and offerings are subject to the terms of such benefits consistent with the requirements and conditions established by the respective insurers or third-party providers.

Department Heads or the employee's Supervisor may recommend the termination of an individual's employment at any time. At all times, both during and after successful completion of the Evaluation Period, employment with the City remains "at-will" and the employment relationship may be terminated at any time for any lawful reason by either the City or the employee.

### **III-D: Work Week and Hours of Work**

It is the policy of the City to establish the time and duration of the workday as required by workload, public service needs, the efficient management of human resources, and applicable laws. The City's standard workweek begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. the following Friday.

#### **Work Schedule**

Departments may establish work schedules that accommodate their business needs. Department Heads and Supervisors will establish work schedules for their employees. Supervisors may schedule overtime or extra shifts as necessary to meet business needs and within the Department's budgetary limitations.

Supervisors will inform employees of their work schedules, including days, hours of work, meal periods, and break periods, when available. Employees are not authorized to change work schedules without the prior approval of their Supervisors. Work schedules for any employee may be altered by his or her Department Head or Supervisor as necessary to accommodate business or employee needs. Supervisors will inform employees of any changes to the work schedule as soon as possible under the circumstances.

#### **Non-exempt Employees**

Full-time work schedules for non-exempt full-time employees will typically include 40 hours per workweek. The City may enact a "work period" basis for law enforcement in which a "work week" may be based on the pay period, e.g. 80 hours during a 14-day work period. Part-time employees' work schedules include less than 40 hours per workweek. The City may require employees to work overtime, and such time may be scheduled or unscheduled consistent with business needs.

#### **Exempt Employees**

Exempt employees are not required to have a specific work schedule, but the City Administrator, their Department Head or Supervisor may establish a work schedule for an exempt employee, particularly if the position requires the employee to be on-site during normal business hours. Exempt employees are expected to complete their duties regardless of how many hours it takes to perform the work. While exempt employees' schedules may be flexible due to the nature

of the work performed, exempt employees are generally expected to be available to meet business needs during normal hours of operation. Exempt employees may routinely work more than 40 hours per week.

### **Flextime & Flexible Scheduling**

Flextime is a schedule that requires an employee to work a specified number of hours each workweek but offers flexibility in regard to the starting and ending times for each day. Departments may elect to use flextime to allow nonexempt employees more input in establishing their days and hours of work, but the use of flextime or flexible scheduling must always be subordinate to serving the public and meeting normal business needs. Flexible scheduling is the provision of schedule work time offering non-traditional work times or providing for changing schedules on a seasonal or even weekly basis.

Department Heads may establish the conditions and circumstances in which flextime or flexible scheduling may be used within their departments. Flextime and flexible scheduling may be offered to employees on a limited basis, seasonally or not at all.

### **Substitution and Shift Trading**

Employees may agree to substitute for one another during their scheduled work hours, swap shifts or “trade time”, solely at their option and with the approval of their Department Head. The individuals substituting or trading time must be employed by the City in the same capacity. The agreement to substitute or swap shifts must be made freely and voluntarily by an employee exclusively for the employee’s convenience without fear of reprisal or promise of reward by the City. The hours worked shall be excluded from the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift, and the pay of each employee will be unaffected by the shift-swapping.

### **Rest and Meal Periods**

Department Heads and Supervisors are responsible for scheduling rest and meal periods for nonexempt employees, considering the workload and the nature of the job performed. Rest and meal periods may not be taken at the beginning or the end of the workday to change the reporting and/or quitting time. Department Heads and Supervisors may establish rest and meal periods that accommodate business needs.

### **Meal Periods**

Meal periods are unpaid breaks and do not constitute hours worked. Full-time employees shall ordinarily be allowed one 30- to 60-minute meal period near the middle of their workday. Part-time employees scheduled to work more than six consecutive hours during any workday will ordinarily receive a meal period of the same duration as full-time employees in their department. The length of the meal period is determined at the discretion of the department. Punctuality in returning from a meal period is necessary for efficient operations.

Employees must be completely relieved of duties during meal periods; however, the employee may be required to remain on the premises. Non-exempt employees generally should not be

permitted to take meal periods at their workstations, as employees should be free to relax during non-compensable periods. Employees who perform work during their meal period must report the time as hours worked.

On occasion, the meal period may be eliminated, and the employee asked to work to accommodate unusual circumstances or operational needs as determined necessary by the Supervisor. Such time shall be considered hours worked. As an exception, patrol law enforcement is ordinarily paid during their meal periods as they are expected to actively be on duty their entire shift.

### **Rest or Break Periods**

Rest or break periods are paid breaks that constitute hours worked. The length of the rest period is determined at the discretion of the department. Rest periods may be eliminated to accommodate the workload, as determined necessary by the Supervisor; no additional compensation is provided to an employee whose rest period is eliminated or who does not take a break.

### **Nursing Breaks**

Nursing mothers may take a break as needed to pump. Suitable space shall be provided and available to accommodate the break. Breaks of this nature will be compensated up to 20 minutes and may be taken as needed. Employees must notify their Supervisor if additional time is necessary, and additional time beyond 20 minutes, for each nursing break, is not required to be compensated.

### **III-E: Attendance and Punctuality**

The City expects all employees to maintain regular and reliable attendance. Employees are required to report for work punctually and to work all scheduled hours and any required overtime. Regular attendance by employees is essential to performing duties in a satisfactory manner to provide efficient and effective public service. Working overtime, weekends and holidays, and working on site or traveling, as necessary or required, may be essential functions of employment.

Excessive tardiness and poor attendance will not be tolerated. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination of employment. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Failure to notify the City properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action. Absences covered by legally protected leave will not count against an employee's attendance record.

Employees who are absent from work for three consecutive workdays without excuse and without giving proper notice to the City will be considered to have abandoned their jobs and voluntarily resigned employment without notice.

Employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. Each department may

establish acceptable attendance rules, consistent with the Employee Handbook and City policies, based upon business needs in the manner described within the Employee Handbook.

### **III-F: Secondary Employment**

#### **External Employment**

Employees may be permitted to perform outside or secondary employment for employers other than the City, provided the secondary work does not present a conflict of interest with the employee's position and duties as well as does not interfere with the performance of the employee's position with the City. Secondary employment includes self-employment which shall be treated the same manner as employment for a third party.

All full-time regular City positions are considered to be the employee's primary employment and take precedent over outside employment. Employees are obligated to commit the necessary time, attention, and effort required to successfully perform the duties of their positions. Secondary employment will not excuse poor work performance, absenteeism, tardiness, or refusal to work overtime, alternate or additional scheduled hours.

Employees who engage in secondary employment may not use sick leave to work an outside job. Employees may not use any City-owned or leased property, equipment or resources, including information technology, tools, or vehicles in outside employment. Employees may not represent or hold themselves out as City employees in seeking secondary employment or in performing services for a secondary employer. Employees may not solicit or conduct any outside business during paid working time.

Violation of this policy may result in disciplinary action, up to and including the termination of employment. The City may instruct an employee that he or she may not perform secondary employment if the employee violates this policy, the employment is incompatible with the employee's position or presents a conflict of interest.

#### **Public Safety Employees and Special Detail Work**

As a public service and consistent with the Fair Labor Standards Act, Public Safety employees may accept special detail assignments with secondary employers, with the Department Head's advance approval. Public Safety employees in such circumstances and as authorized may perform such work in uniform and may utilize appropriate law enforcement equipment.

The performance of special detail work shall not be considered hours worked on behalf of the City and the City shall not be subject to overtime liability for such special detail work, even if the City facilitates the secondary special duty employment, acts as an intermediary, or requires that an external agency hire a police officer or public safety employee to perform specific functions. The Chief of Police may establish departmental procedures consistent with this policy regulating the performance of special detail work in consultation with the Human Resources Director and City Administrator.



### **III-G: Separation from Employment**

It is the City's policy to provide an orderly employment separation process because of an employee's resignation, termination of employment, retirement, the expiration of an employment contract, or a reduction in the size of the workforce. Absent a specific written agreement, employees are free to resign at any time and for any reason and employees may be terminated from employment at any time and for any reason not prohibited by law. Upon separation from employment, employees are required to return any City-owned property, equipment, or identification. The separation processes described in this policy are guidelines and do not create a contract between the City and its employees. The City may implement, amend, or abolish its policies and practices as it deems appropriate. Separations from employment generally occur in one of the following circumstances and will ordinarily be conducted in the following manner.

#### **Resignations**

Employees are requested to give a two (2) week written notice of their intent to resign. In certain circumstances, a verbal notice to the direct Supervisor may be acceptable until a formal written notice can be given. Failure to give written notice at least two weeks prior to resignation may result in forfeiture of non-vested City benefits and ineligibility for reemployment. While an employee may request to rescind a notice of resignation prior to the effective date of the resignation, the City may elect to refuse the rescission based on business needs and the employee's disciplinary and performance record. The City may agree to an earlier separation date in consultation with the employee or may opt to accelerate the date to make the separation effective immediately; the employee shall not be entitled to be paid for any period beyond his or her separation date. A resigning employee may not use paid leave during the notice period, unless approved by his or her Department Head or the need for such leave is unavoidable.

#### **Terminations from Employment**

Terminations from employment are involuntary separations initiated by the City and include resignations in lieu of termination. Employees who are terminated from employment, other than in the case of workforce reductions, will not be considered to have separated in good standing and will not be eligible for re-employment, retirement payments – including partial sick leave pay-out, or payment of other unvested benefits. Terminations from employment under the City's Disciplinary and Corrective Action Policy will be conducted consistent with the provisions of the policy, and employees terminated from employment generally may access the City's Grievance Policy.

#### **Retirement**

Eligible City employees shall be members of the Kansas Public Employees Retirement System (KPERS) or the Kansas Police & Fire Retirement System (KP&F) and shall be subject to the state laws and regulations governing such membership. In addition, employees may be eligible for the City of Spring Hill's Retirement plan.

#### **Workforce Reductions**

Reductions in the workforce are temporary or permanent layoffs or involuntary separations required by adverse economic, budgetary or other conditions. The City will attempt to avoid layoffs and workforce reductions and, whenever possible, will consider alternatives. Employees

separated pursuant to a workforce reduction will be treated with respect, notified regarding potential layoff as soon as possible, and generally treated in the manner consistent with an employee who voluntarily resigns from employment, unless the employee elects to retire under KPERS or KP&F, in which circumstances the employee will be treated as any other voluntary retirement. Employees permanently separated as a result of a workforce reduction will be eligible for rehire. Employees temporarily laid off will be eligible for reinstatement within a reasonable period of time if economic, budgetary or other conditions abate.

### **Benefits & Leave**

Employees who have successfully completed their introductory evaluation period and provided a two-week notice shall receive a lump sum payment for any accrued and unused vacation upon separation from employment at their current rate of pay at the next regularly scheduled pay date. Nonexempt employees shall be paid for any accrued and unused compensatory time off upon separation from employment at their current rate of pay at the next regularly scheduled pay date. Other than eligible employees retiring under KPERS or KP&F, separating employees shall not receive payment for any accrued and unused sick leave.

Eligible employees may continue health coverage at the employees' cost pursuant to the provisions of state and federal law. In addition, certain voluntary, employee-paid benefits may be continued at the separating employee's request subject to the terms, conditions, and limitations of the City's contracts with insurers and benefit providers.

### **Exit Interview**

The Human Resources Director may offer to conduct an exit interview to gather information from resigning and retiring employees to determine their reasons for leaving employment, and their experiences, observations, and suggestions. The City encourages employees to participate in the exit interview process.

## **III-H: Personnel Records**

The City maintains personnel records for applicants, employees, and past employees to document employment-related decisions, evaluate and assess policies, administer benefit programs, and comply with legal and regulatory recordkeeping and reporting requirements. The City tries to balance its need to obtain, use, and retain employment information with concern for each individual's privacy; thus, the City attempts to maintain only the personnel information that is necessary to conduct City business or required by applicable law. Personnel records regarding a current or past employee are confidential. Reasonable efforts will be made to preserve the confidentiality of that information. The City will comply with all laws that regulate the manner in which personnel or employment-related records are to be kept, govern access to, and address the disclosure or non-disclosure of information regarding applicants, employees, or former employees. The City will provide current employees with reasonable access to their official personnel files.

### **Personnel File**

The Human Resources Director is responsible for managing the recordkeeping for all personnel records and employee-related information and for specifying the type of information that should

be collected and manner in which it shall be stored and secured. This does not dictate that there is only one file for each employee or that all personnel records should be kept in one location; rather, the Human Resources Director shall establish guidelines for record retention and maintaining the official personnel file, separate medical record files, and other legally protected and segregated employment or employment-related documents. The Human Resources Director will disseminate and train Department Heads and Supervisors regarding the guidelines. The Human Resources Director is the City's official custodian of personnel records.

### **Medical File**

The City keeps medical records in a file which is separate and distinct from the employee's official personnel file and will be securely kept. The Human Resources Director is responsible for the maintenance of employee medical files and is the City's official custodian of employee medical records.

### **Employee Responsibility**

Employees have a responsibility to keep their personnel records up to date and should notify the City in writing, if electronic self-serve options are not available, of any changes.

In addition, employees who have a change in the number of dependents or marital status which results in a decrease or increase in the number of dependents are responsible for completing a new Form W-4 for tax withholding purposes.

### **Access to Personnel Files**

The City will provide current employees with reasonable access to their official personnel files. Current employees may review their own official personnel files and may request copies of, but not remove, documents in the file. Employees must provide a written request to the Human Resources Director and review will be scheduled at a mutually convenient time. All such inspections must be conducted in the presence of the Human Resources Director or his or her designee. Employees should provide notice of at least two business days. Employees who believe that any information in the file is incomplete, inaccurate, or irrelevant and are unable to resolve the issue with the Human Resources Director may place a written statement in the file regarding the matter.

Former employees may request a copy of their personnel file. Former employees will be responsible for payment of the actual costs for providing copies. The City will provide a copy of the official personnel file within a reasonable time and upon receipt of payment for the actual costs of production.

Only Supervisory and management employees who have an employment- or business-related need to access the information will be permitted to review or access a current or former employee's personnel records. Requests for access and review should be directed to the Human Resources Director or City Administrator, as appropriate, either of whom may require a written request.

### **External Requests to Access Personnel Files, Information and Reference Requests**

The City ordinarily will release personnel information to those persons or entities who have been authorized in writing to view the file by an employee or former employee, by court order,

subpoena, or other legal mandate, or for justified law enforcement and public safety reasons to view the file as determined in the sole discretion of the City, subject to all applicable federal, state or local laws or administrative regulations. The City will also comply with the disclosure requirements of the Kansas Open Records Act.

All requests from external persons or agencies for personnel information concerning applicants, employees, and past employees, including but not limited to reference requests and Open Records Requests, shall be referred to the Human Resources Director. The Human Resources Director shall process and respond to all reference requests and provide the information required by applicable law. If a former employee or a third party provides the City with an executed release from the employee, the Human Resources Director may consult with the City Attorney or special counsel concerning the propriety of the request, as needed, and produce the records authorized within the release or respond to verbal inquiries consistent with the written records contained within the official personnel file.

#### **Section IV: Compensation and Classification**

##### **IV-A: Classification and Pay Ranges**

The City has established a salary resolution to evaluate and determine the relative internal ranking of positions, establish internal equity, provide market-based compensation rates for employees, comply with applicable legal standards, and support the City's compensation philosophy. The City may classify each job based on the education and training required, the nature and complexity of the work performed, the relative responsibilities of the position, whether the position requires supervisory or managerial functions, and any other relevant skills, knowledge, experience, or expertise necessary to successfully perform the functions and requirements of the position as described in the job description. Each classification shall be assigned a pay range. The Governing Body shall annually establish and adopt the pay range for all classified positions, consistent with and subject to the City's fiscal and budgetary requirements and limitations, in the form of the City's salary resolution. Absent Governing Body approval, employees' pay rates shall be within the pay range for their position as set forth in the City's salary resolution.

While the salary resolution will be annually established by the Governing Body, the City may also review and amend the classification plan, a position's or multiple positions' grade, or the appropriate pay range for a position or positions to address changes in job duties resulting from reorganization or restructuring, reassignment of duties, creation of new positions, the assignment of additional duties or responsibilities, or other relevant factors. Amendment of the City's salary resolution must be adopted by the Governing Body, ordinarily upon the recommendation of the Human Resources Director.

##### **IV-B: Job Descriptions**

The City will complete a job description for each position. The job description shall set forth a concise descriptive title, exempt or non-exempt determination, a description of the duties, functions, and responsibilities of the position as well as a statement of the minimum qualifications for the position. Job descriptions shall be developed by the supervising authority (*e.g.*, Department Head,

City Administrator) in consultation with the Human Resources Director. The Human Resources Director shall maintain copies of all job descriptions.

#### **IV-C: Compensation**

It is the policy of the City to attract, retain, and reward employees dedicated to excellence in the provision of public service by offering market-based competitive compensation and benefits and a personally rewarding work environment. The City aims to balance market-based compensation rates for comparable organizations, performance-based compensation, and fairness and internal equity with fiscal responsibility. The City provides compensation in compliance with all applicable laws and consistent with fiscal and budgetary control.

The Governing Body is solely responsible for the establishment the City's pay ranges, and for funding compensation related expenditures. The Governing Body shall annually establish the City's salary resolution, performance increase pool, and will fund all compensation through or consistent with the annual budget process. The City will ordinarily conduct an internal annual cursory review and conduct a salary survey every 3 - 5 years or as needed if circumstances support a shorter recurrence to determine appropriate market-based pay ranges for the City's salary resolution.

Nothing contained within this policy or the Employee Handbook restricts or is intended to restrict the authority of the Governing Body to adjust, amend, or establish pay ranges, to meet fiscal responsibilities, in the best interests of the City, or as the Governing Body sees fit.

#### **IV-D: Establishing Pay Rates**

The City provides employee pay rates consistent with the pay range for the employee's position as set forth in the Governing Body's annual salary resolution in light of the classification plan. Employees' pay rates shall be within the minimum and maximum rate of pay for each classified position. Employees' pay rates within the respective ranges will be based upon qualifications, education, experience, market conditions, and internal equity. Other relevant factors may be considered such as for highly experienced and qualified candidates, mission critical and/or difficult to fill positions, specialized training or changes in market conditions. Employee pay rates will be established in a nondiscriminatory manner and in compliance with all applicable laws.

#### **New Hires and Promotions – Employees**

The City Administrator, in consultation with the Human Resources Director and the supervising Department Head, shall establish the initial pay rate for new hires and employees promoted to a new position.

1. The pay rate for current City employees selected for promotion shall be established in the same manner as newly hired employees; provided that, subject to budgetary restrictions, promoted employees shall receive a pay rate increase of not less than five percent of their previous rate of pay.

### **New Hires and Promotions – Department Heads**

The Mayor, with the consent of the City Council, will set the starting rate of pay for a newly hired Department Head or a current employee promoted to Department Head, upon the recommendation of the City Administrator and in consultation with the Human Resources Director.

### **Newly Hired or Appointed Officers**

The rate of pay for officers appointed by the Mayor, with the consent of the City Council, shall be set forth within the City annual salary resolution.

### **Demotions**

In the event an employee or Department Head is demoted to a position in a lower pay range, the employee or Department Head's rate of pay will be adjusted to the lower pay range. If the rate of pay is currently higher than the maximum of the lower range, it will be adjusted by a minimum of 10%. If the rate of pay is currently within the lower pay range, it will be adjusted by 10%. No demoted employee shall have a rate of pay higher than the range of the new position.

### **Reorganization**

Changes due to a reorganization and/or a restructure as a result of City operations and efficiency will not have a minimum adjustment in pay. Any applicable adjustment in pay may be handled in a tier approach or another reasonable strategy. No employee impacted by a reorganization and/or restructure shall have a rate of pay higher than the range of the new position and/or position's classification on the salary resolution.

## **IV-E: Merit Rate Increases**

The City rewards achievement and outstanding performance in determining employee merit pay rate increases. The City awards merit pay rate increases in a fair and equitable manner based on evaluation of the employee's, officer's or department head's success in meeting or exceeding his or her performance expectations and the standards established for his or her position. The Governing Body will determine annual merit pool during the budget process.

The City Administrator in consultation with the Human Resources Director, will develop guidelines for administering merit pay rate increases annually following or contemporaneously with the Governing Body's determination of the annual merit pool. The City Administrator, in consultation with the Human Resources Director, may approve or adjust Department Head requests for employee merit pay increases. Department Heads are responsible for the timely completion of performance appraisals and the timely submission of corresponding merit pay rate requests to the Human Resources Director.

Merit pay increases will be based upon employees' annual performance appraisals completed in January. Merit pay rate increases will be effective in the first pay period in February, subject to fiscal responsibility, the Governing Body's adoption of the merit pool, and merit pay guidelines set by the City Administrator in consultation with the Human Resources Director. Police Officers and Sergeants who meet expectations will deviate from the merit pay guideline in that changes in their pay will follow the predetermined Step Plan outlined in the most current Salary Resolution. An employee must be employed by the City for six months prior to his or her annual appraisal to

receive a merit pay increase. An employee hired July 1 or after is not eligible for a merit increase until the employee has worked for the City for at least twelve months, i.e., an employee hired after July 1, 2025 is eligible for merit increase in February 2027.

No employee, Officer or Department Head may receive a rate of pay above the maximum of the salary range for his or her position unless negotiated as a part of an employment contract. Those who, while below the pay range maximum for their position, would exceed the pay range maximum upon awarding of a merit pay increase will receive a pay rate increase to the present maximum of the pay range and the remainder of the increase in a lump sum payment. Any future merit pay increases will be based on the employee's current recorded rate of pay excluding any lump sum payments.

#### **IV-F: On-Call, Call-Back and Premium Pay**

The City, through its Supervisors and Department Heads, may require an employee to report to work as business and public service needs dictate. The City will provide additional compensation for non-exempt employees who are required to be on-call or called back to work. In addition, non-exempt employees required to work on a City observed holiday will be provided premium pay.

##### **On-Call Pay**

Departments may schedule non-exempt employees to be "on-call" to respond to reasonably anticipated business or service needs outside of regularly scheduled work hours. Employees scheduled to be on-call will receive on-call pay of \$20.00 per day. On-call pay is not for actual hours worked. On-call time is not considered hours worked for the purposes of calculating overtime. Travel time for commuting to work is not considered hours worked. Employees are not restricted to specific locations such as their homes and may engage in non-work-related activities while on-call with the exception that employees are prohibited from consuming and/or taking any substance that may cause impairment. Employees must accurately report actual hours worked for the purpose of calculating overtime.

##### **Call-Back Minimum Pay**

Call-back pay is intended to ensure that employees required to report to work at an unexpected time receive at least a minimum amount of compensation for interruption and inconvenience to their personal lives. Non-exempt employees who are called to return to work after leaving the building or work location at the end of their regular shift shall be paid for a minimum of two (2) hours. Only hours actually worked will be considered in determining overtime compensation. An employee that works more than two hours when called back will be paid based on actual hours worked. Call-back pay does not apply to scheduled work hours or employees receiving on-call pay. Travel time for commuting to work is not considered hours worked. Non-exempt employees who are called back to work two (2) hours or less before their scheduled work time and who continue working into scheduled hours or who are held over their normal working time are not considered called back and will be paid only for actual hours worked.

##### **Premium Pay**

Non-exempt employees will be compensated at the rate of one-and-a-half times their regular rate of pay for working on the actual day of a holiday observed by the City.

#### **IV-G: Overtime and Compensatory Time Off**

Non-exempt employees, who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), will be compensated at one and one-half times their regular rate of pay or with compensatory time off at a rate of one and one-half hours off for each hour actually worked in excess of 40 during the workweek, except as permitted by the “work period” exception for law enforcement. The “work period” shall meet the standard set forth in 29 C.F.R. 553.230. The payment of overtime or accrual of compensatory time shall be determined at the discretion of the employee when recording payroll for the applicable pay period. Hours paid but not actually worked are not included in the computation of overtime.

Employees are not permitted to work overtime without the prior approval of their Department Head or Supervisor and may be subject to disciplinary action for working unauthorized overtime. Nonetheless, employees who work overtime, whether authorized or unauthorized, will be compensated at the overtime rate or with compensatory time off. Exempt employees shall not receive overtime pay or compensatory time off.

Employees may accrue a maximum of 40 hours of compensatory time. Non-exempt employees shall be paid for the balance of their unused compensatory time off upon separation. Non-exempt employees promoted to exempt positions shall be paid for the balance of their unused compensatory time off prior to promotion to an exempt position. Similarly, non-exempt employees whose positions are reclassified to exempt positions shall be paid for the balance of their unused compensatory time off upon reclassification. The rate for payment of unused compensatory time for employees at separation or upon promotion or reclassification to an exempt position will be calculated at the employee’s current regular rate.

#### **IV-H: Pay Days and Pay Periods**

The City pays wages to employees on a bi-weekly basis covering a pay period of two full work weeks every other Friday. If the designated payday falls on a City-observed holiday, payroll will process on schedule allowing for wage payments to proceed as usual assuming the City’s financial institution has normal operating hours. Any potential delays will be acknowledged and payments will be made as soon as administratively possible. The amount, manner, and timing of wage payments will comply with all applicable state and federal laws or regulations, including all required and properly authorized deductions. Wages will be paid only after they are earned, and the City will not advance wages.

#### **IV-I: Time and Pay Records**

Non-exempt employees are required to document actual time worked and any scheduled time not worked (paid or unpaid time off during normally scheduled work hours). Exempt employees are required to document any scheduled time not worked for the purpose of recording and tracking leave usage consistent with the principles of public accountability. The Human Resources Director or their designee shall maintain all records of time worked, absences, use of paid and unpaid leave, payroll records, and other records required by law.



## **Section V: Employee Relations**

The City uses its performance management process to communicate expected performance standards and goals to employees and Department Heads, provide coaching and feedback in the course of employees' work, and formally assess individual employee performance on a regular and consistent basis. The City utilizes performance management objectives to align individual goals with City and departmental objectives. Performance management is intended to be an integrated and ongoing process joining formal appraisals with continuous communication and feedback between the Supervisor and employee.

The City's performance management process is intended not merely to periodically assess performance for the purpose of merit pay increases, but instead, is meant to provide ongoing communication to improve both individual and organizational productivity, identify and correct performance issues, plan employee career development, assess readiness for transfer or promotion, determine compensation, recognize achievements, and increase employee engagement. The City expects employees to actively participate in the performance management process, propose goals and expectations, and jointly identify personal and professional development objectives.

Performance expectations, goals, personal development objectives, and measurement criteria shall be clearly communicated in an employee's performance review. If an employee is not meeting the expectations established in his or her performance review and has not sufficiently improved through informal coaching and guidance, his or her Supervisor is responsible for developing a performance improvement plan to assist the employee in meeting performance standards for the position. Supervisors should develop performance improvement plans with employees in an interactive process and are encouraged to consult with the Human Resources Director for assistance in developing the performance improvement plan.

Performance reviews, performance improvement plans, and merit recommendations will be documented and forwarded to the Human Resources Director for inclusion in employees' personnel files.

### **V-A: Performance Management and Employee Evaluations**

The City will review and evaluate employee performance, achievement, accountability, and contributions in an equitable and unbiased manner during scheduled review periods. Should the Police Officers have a separate evaluation form from the rest of the City staff, the overall goal of the City's performance appraisal system is designed to align individual performance expectations with City and departmental goals. The appraisal system will measure performance based on job accountabilities, competencies, performance standards, and both documented achievements and deficiencies in light of the employee's performance plan.

The City Administrator, Department Heads, and Supervisors, with the assistance of the Human Resources Director, are responsible for ensuring the timely completion of annual and mid-year performance appraisal. In addition, all levels of management and Supervisors are obligated to

provide employees with ongoing feedback, coaching, communication, and assistance regarding their performance and progress in meeting their performance plans.

### **Performance Training Plans**

Within a reasonable time from promotion or transfer, newly placed employees and their Supervisors shall develop a training plan. Current employees and their respective Supervisors shall complete objectives and goals in the course of the annual appraisal, but they may be revisited or updated at the mid-year appraisal or at the request of the employee or Supervisor in the course of the year. All performance training plans shall be approved by the applicable Department Head, City Administrator, or Governing Body, provided to the employee, and forwarded to the Human Resources Director for inclusion in the employee's personnel file. The purpose of the performance training plan is to clearly communicate performance expectations and measurement standards, align individual goals with the City's mission and goals, provide an objective and equitable appraisal system, establish employee and Supervisor participation, and create professional and personal development objectives to elevate performance and further career advancement. Any deviations in the Police Department due to an administrative policy or form, etc. shall be approved prior to implementation through discussion between the Chief of Police, Human Resources Director, and the City Administrator.

### **Performance Appraisals**

A performance appraisal is a conference between a Supervisor and/or Department Head and employee assessing the employee's achievement in meeting the performance expectations, standards, and goals set forth in the employee's performance training plan. The conference should be a discussion in which both the Supervisor and employee address the employee's achievements, opportunities for improvement, personal and professional goals, concrete steps to further the employee's personal and professional development, and, at least annually, creation of a new performance plan. Supervisors should provide constructive, honest, and objective feedback to employees in the course of the discussion; similarly, employees should participate freely in addressing challenges they have faced, progress made, and suggestions for departmental or organizational goals.

Performance appraisals will be conducted at or before the conclusion of a newly hired, transferred or promoted employees' introductory evaluation period, at the conclusion of a performance improvement plan, annually in the month of January, and at mid-year. Any deviations in the Police Department due to an administrative policy or form, etc. must be approved prior to implementation through discussion between the Chief of Police, Human Resources Director and the City Administrator. In addition, a Supervisor &/or Department Head on their own initiative or at the request of an employee may conduct an appraisal at any time to address performance progress and/or to revise a performance plan.

Annual appraisal may be utilized to establish merit pay increases at the rates established and terms set forth in the course of the budgetary process. The City Administrator, through consultation with the Human Resources Director, will develop guidelines for administering merit pay rate increases annually. In addition, information derived from the performance appraisal may be considered when making decisions regarding training, pay, promotion, transfer, discipline, or continued employment.

### **Regular Communication and Feedback**

Supervisors &/or Department Heads should provide employees with continual informal coaching and feedback. Such communication is most beneficial to the employee and the organization when given in a timely manner and is particularly valuable when establishing new processes, assigning additional responsibilities, or learning new skills. While informal, regular dialog with employees should be interactive and specific and conducted in light of the employees' performance and development expectations and goals. Discussing performance or behavioral issues with employees in a timely manner enables employees to address performance deficiencies, seek additional training or assistance, and correct behavior issues before more significant problems develop. Consistent, timely feedback also maintains progress toward organizational goals, permits adjustment to timelines, and improves service to the public.

### **V-B: Professional and Organizational Development**

The City provides employees with development tools, learning opportunities, and training programs which enable employees to perform to the best of their abilities, to maintain compliance with applicable laws and business practices, and to better contribute to the City's provision of services to the public. The City will furnish employees with necessary training and development programs consistent with the duties and responsibilities of their positions. In addition, the City is committed to fostering a culture of ongoing personal, professional and organizational development to constantly improve the provision of public service, to promote employee engagement, and to afford employees with development and promotional opportunities.

All development tools, learning opportunities and training programs provided by the City will be administered in a non-discriminatory manner.

### **V-C: Performance Improvement**

The City will hold all employees, officers, and Department Heads accountable in meeting the performance expectations of their positions. When an employee's performance is not meeting the expectations of his or her position, the City expects the employee to correct the deficiency and bring his or her performance to acceptable standards. The City generally favors a positive, interactive process to address unsatisfactory performance. The interactive process provides notification to an employee about a performance issue, sets out the steps necessary to meet performance standards, seeks employee input, and establishes the consequences for failure to improve. When an employee does not meet performance expectations, the City may initiate the performance improvement process and provide the employee with an opportunity to correct a developing problem through coaching or specific performance improvement plans. The City may use any reasonable form of coaching, training, performance improvement plan, or other corrective action that it deems appropriate. The City may also choose to terminate the employment relationship and not to initiate the performance improvement process.

Performance issues are often distinct from misconduct and may be addressed and corrected, generally, in a different manner. When clearly a performance issue, a performance improvement plan may be created and structured to assist the employee in meeting the expectations of his or her

position. Performance improvement plans are not a useful tool in addressing misconduct – which should be corrected through the disciplinary and corrective action process.

The performance improvement plans are managed in an interactive process with employees and via consultation with the Human Resources Director. Failure to satisfactorily complete the requirements of a performance improvement plan within a reasonable timeframe may result in the issuance of disciplinary action, up to and including termination of employment.

#### **V-D: Conduct of Employees**

The City expects its employees to conduct themselves in a civil, productive, and appropriate manner. Certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City, or is offensive to the public or coworkers will not be tolerated. Employees are expected at all times to conduct themselves in a positive and productive manner in order to promote the best interests of the City.

This policy provides examples of appropriate workplace behavior and examples of serious employee misconduct that may result in disciplinary action up to and including termination of employment.

##### **A. Appropriate Employee Conduct**

1. Treating all customers, visitors, and coworkers in a civil and courteous manner;
2. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City's best interests;
3. Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers;
4. Reporting threatening or potentially violent behavior by coworkers;
5. Cooperating with City investigations;
6. Complying with all City safety and security regulations;
7. Performing assigned tasks efficiently and in accord with established quality standards;
8. Reporting to work on-time as scheduled;
9. Giving proper advance notice whenever unable to work or report on time; and,
10. Maintaining order in the workplace.

##### **B. Prohibited Conduct**

1. Conduct that hampers, endangers or is contrary to the mission and goals of the City;
2. Engaging in or threatening acts of workplace violence;
3. Engaging in any form of harassment;
4. Sexual conduct of any sort with a person under the employee's care or custody;
5. Discriminating against another person on the basis of his/her race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed,

- age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or membership or service in the military;
6. Knowingly making a false statement or submitting false documentation to any employee or officer of the City;
  7. Accepting a bribe or otherwise taking or offering to take from any person any fee, gift or any item or service of value, in the course of or in connection with employment, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person or to refrain from performing an official act;
  8. Engaging in any act of extortion, profiteering, or other means of obtaining money or other things or services of value through an employee's position in the service of the City;
  9. Violation of personnel policies and guidelines or departmental policies and guidelines;
  10. Failure to report violations of City policies and procedures;
  11. Failure to fully cooperate in any City employment or administrative investigation;
  12. Reporting to work under the influence of alcohol, illegal drugs, or narcotics, or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City premises;
  13. Disclosing confidential City information, proprietary information, or medical information in violation of the City's HIPAA Policy;
  14. Falsifying or altering any City record or report, including but not limited to employment applications or personnel records, medical reports, production records, time records, expense accounts, absentee reports, financial reports, or shipping and receiving records;
  15. Stealing, destroying, defacing, or using City property, another employee's property, or a member of the public's property for purposes other than intended or permitted, or working on personal or unrelated work duties while on City time;
  16. Using City information technology or communications systems for purposes other than intended or permitted;
  17. Violating the City's Purchasing Policy;
  18. Inducing or attempting to induce any officer or employee of the City to commit an unlawful act;
  19. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
  20. Failing to wear assigned safety equipment or failing to abide by safety policies and procedures;
  21. Smoking, vaping, the use of tobacco, the use of e-cigarettes or any related products in violation of City policy or where prohibited;
  22. Using language in a manner that offends or shocks, is intended to insult, injure or defame, or is recognized as profanity;
  23. Sleeping on the job;
  24. Abuse of leave, excessive absenteeism or tardiness;
  25. Failure to give proper notice of absence or leaving the workplace without proper authorization or notice;
  26. Inattention to duty, carelessness, or causing the breakage or loss of public property or funds;
  27. Incompetence or inefficiency in the performance of the duties of his or her position;
  28. Engaging in disruptive, discourteous, abusive, intimidating, threatening, or offensive behavior;
  29. Committing a criminal or illegal act on or off duty;

30. Unauthorized possession, display, or use of firearms or other weapons on duty or in the workplace;
31. Communicating any false, disparaging, vicious, or malicious statements concerning the City, another person, or other organizations;
32. Failing to immediately report any work-related accident, injury, illness, damage, or threat to any property or person;
33. Engaging in any unethical conduct or in any behavior that creates an actual, potential, or perceived conflict of interest;
34. Knowingly permitting unauthorized persons to be in City facilities or on City premises or to use City equipment or property; and,
35. Photographing, videotaping, or electronically recording any City property, employees, business operations, meetings, or other communications or activities except for public meetings and/or normal documentation of operations without the advance, written consent of the City Administrator.

The examples of prohibited conduct described above are not intended to be an all-inclusive list. At the City's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action, up to and including termination of employment. The above list of prohibited conduct does not alter the City's policy of "at will" employment. Both the employee and the City remain free to terminate the employment relationship at any time, with or without cause, and with or without advance notice.

#### **V-E: Corrective and Disciplinary Action**

The City requires all employees and officers to comply with the City's standards of conduct and performance, and it is the policy of the City that failure to comply with such standards must be corrected. The City expects employees to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee and officer should be self-disciplined and work hard to provide a high level of public service. All employees and officers are responsible for their own behavior in the workplace, and they must conduct themselves in a manner which complies with established standards of conduct for their jobs and the City's expectations. Whenever employee conduct does not meet the established standard, the employee will be held accountable, and the City will take appropriate disciplinary or corrective action to ensure accountability. Similarly, employees and officers are expected to achieve established performance standards, and they will be held accountable should they fail to achieve those standards.

Under ordinary circumstances, the City prefers to structure performance improvement or disciplinary action in a positive or progressive manner which provides the employee with an opportunity to improve performance or to correct misconduct. However, the City weighs both performance issues and misconduct based upon the severity of the misconduct or performance failure, significance of the violation, whether the conduct violated the law, and the impact upon co-workers and operations. The corrective and disciplinary actions described in this policy are not steps but simply different actions the City may take to best address misconduct or performance failures and this includes any deviations in the Police Department due to an administrative policy or form, approved prior to implementation through consultation and approval between the Chief

of Police, Human Resources Director, and the City Administrator. In some circumstances, the City may choose to terminate the employment relationship without using other levels of discipline. The City maintains the right to administer discipline as it sees fit in the best interests of the City.

It is the City's policy that corrective or disciplinary actions, whether taken to improve performance or to correct misconduct, be administered in a fair and nondiscriminatory manner consistent with the policies and the Employee Handbook. When applying discipline policies, Department Heads and the City Administrator will not provide preferential treatment or act arbitrarily. This policy does not modify the status of employees and officers as employees-at-will or in any way restrict the City's right to bypass intermediate disciplinary procedures and issue more serious disciplinary action, including termination of employment.

### **Corrective and Disciplinary Actions**

- 1. Performance Improvement** – When an employee or officer is failing to meet performance expectations, the City expects the employee to correct the deficiency and improve his or her performance. When an employee is not meeting performance expectations but has not engaged in any misconduct, Supervisors should consider coaching, training, or the implementation of a performance improvement plan to bring the employee's performance up to expectations.
- 2. Coaching or Verbal Counseling** – Coaching or verbal counseling is frequently appropriate at the onset of minor infractions of City policies or department rules or for emerging repetitive problems. Verbal counseling should be informal but specific about the nature of the misconduct or performance issue, and it should provide a solution. The Supervisor should retain a written record of verbal counseling or coaching.
- 3. Verbal Reprimand** – A verbal reprimand is more serious than coaching or counseling and is most appropriate for misconduct or repeated failure to meet performance expectations despite coaching. The Supervisor, at whatever level, shall make a written record of the verbal reprimand and forward the record to the Human Resources Director for inclusion in the employee's personnel file.
- 4. Written Reprimand** – A written reprimand is a formal written notice to an employee that the employee or officer has engaged in misconduct or has significantly failed to meet his or her performance expectations requiring action to correct the matter. Department Heads or the City Administrator should consult with the Human Resources Director prior to the issuance of a written reprimand. The employee should be advised that if the behavior is not corrected, more serious disciplinary action will be taken. A written reprimand may be structured to include specific actions required of the employee to remedy the situation. Written reprimands shall be submitted to the Human Resources Director for filing in the employee's or officer's official personnel file.
- 5. Significant Disciplinary Actions** – Significant disciplinary action, including suspension, demotion, or termination of employment may be appropriate for incidents of serious misconduct, for egregious misbehavior, for chronic behavioral problems, for conduct which has a significantly detrimental effect on the City or its operations, when other forms

of discipline have not resolved the issue, when an employee or officer has displayed the inability to meet the performance expectations of his or her position, and for multiple or repeated incidents of misconduct.

- a. **Suspension without Pay** – Suspension is ordinarily the final disciplinary action for serious misconduct prior to termination of employment, for repeated violations of less significant misconduct, and for which the City believes will result in the employee or officer correcting his or her misconduct. The City may determine the appropriate length of a suspension considering the severity of the employee or officer's misconduct, disciplinary and performance history, and action necessary to correct the misconduct.
- b. **Demotion** – Demotion is rarely appropriate for misconduct unless the misconduct was related solely to Supervisory responsibilities or in unusual circumstances. Demotion may be appropriate for employees who have consistently failed to meet performance expectations, but who the City believes are capable of successfully performing the duties of a lower-level position. The pay rate of demoted employees will be reduced to the classification level of the position to which they are demoted; if their pay rate falls within the pay range of the demoted position, they shall receive a 10% reduction in pay. A valid, open position must be available for an employee or officer to be demoted, and the employee must meet the minimum qualifications for the position.
- c. **Termination of Employment** – Employees who engage in serious misconduct for which the City is unwilling to tolerate will be terminated from employment. Employees who have engaged in flagrant violations of City policies, whose conduct is intolerable, who have engaged in repeated violation of City policies or departmental rules, who have demonstrated an inability to or the City believes cannot meet the performance expectations of their position, or who the City determines in its sole discretion are no longer an asset to the City, are likely to be terminated from employment.
- d. Employees and officers may grieve suspensions, demotions, or terminations of employment through the City's Grievance Policy by providing written notice to the City Administrator within five business days of receipt notice of such significant disciplinary action.

### **Investigation and Consideration of Appropriate Corrective or Disciplinary Action**

While disciplinary actions should not be made in haste, it is important for the Supervisor, at whatever level, to act as soon as it becomes apparent that a violation has occurred. Allegations of misconduct may require investigation, particularly allegations of significant misconduct. Getting all the facts as soon as possible is essential and can be done by the Supervisor, Human Resources Director, Department Head, or City Administrator. The Human Resources Director must investigate issues quickly and thoroughly to determine whether corrective action is appropriate to meet the City's business needs and values. The employee should be given an opportunity to explain his or her actions. The employee's explanations should be verified and taken into consideration before corrective action is taken.



## **Process**

Every action and discussion taken in the disciplinary process should be documented. Supervisors should report allegations of significant misconduct to their Department Head; Department Heads should report such matters to the City Administrator and Human Resources Director. Department Heads and the City Administrator should consult with the Human Resources Director, and the City Attorney, when appropriate, about proposed disciplinary action beyond coaching or verbal counseling, and particularly regarding allegations of significant misconduct and potential suspensions, demotions, or terminations from employment.

Whenever an employee or officer engages in misconduct or fails to meet performance expectations that in the judgment of his or her Supervisor, Department Head, or City Administrator requires the administration of discipline or corrective action, the Department Head, City Administrator, or the Governing Body in executive session shall:

1. Document the misconduct in writing.
2. Meet with the employee or officer to review the problem and the proposed disciplinary action. The employee shall be given the opportunity to explain their conduct or performance issue and any response to the proposed disciplinary action. The Department Head or City Administrator may request or direct other persons be present at these meetings, as appropriate. The Department Head shall confer with the City Administrator and Human Resources Director regarding recommendations for suspension, demotion, or termination of employment prior to the City Administrator's determination to advise the employee of the City Administrator's proposed disciplinary action.
3. Make a final decision as to the disciplinary action and create an action plan for the employee or officer for improvement or correction of the misconduct or performance failure.
4. The City Administrator must issue or approve all employee suspensions, demotions, or terminations of employees, ordinarily upon the recommendation of the employee's Department Head and in consultation with the Human Resources Director.
5. The City Administrator may issue coaching, counseling, performance improvement plans, or written reprimands to Department Heads or officers under his or her supervision or management, after consulting with the Human Resources Director and/or the City Attorney.
6. The Governing Body must issue or authorize all suspensions, demotions, or terminations of officers. Such disciplinary action may occur upon the recommendation of the City Administrator, or the Governing Body may issue upon its own initiative. The Governing Body will ordinarily consult with the City Attorney prior to issuing significant disciplinary action to a Department Head or officer, and the City Administrator or Mayor, accompanied by the Human Resources Director or City Attorney, will meet with the officer to present the recommended discipline and provide the officer with the opportunity to respond.
7. Disciplinary or corrective action, including suspensions, demotions, or terminations of employment issued by the City Administrator or Governing Body, shall be effective upon issuance, which as described herein will follow notice and the opportunity to respond.
8. Employees and officers may appeal suspensions, demotions, or terminations of employment through the City's Grievance Policy by providing written notice to the City Administrator within five business days of receipt of the disciplinary action.

## **V-F: Grievance Procedure**

A grievance is a formal appeal by an employee subjected to significant disciplinary action to the City Administrator asking that his/her termination, suspension, or demotion be overturned. Employees must file a grievance to the City Administrator within five days of the institution of a suspension, demotion, or termination. A grievance hearing between the employee and the City Administrator will be scheduled at the earliest convenience of the City Administrator following receipt of a grievance. . In this hearing the employee may assert the reason the significant disciplinary action should not be taken and the City Administrator will determine if the disciplinary action should stand, be reduced, or should be overturned. A grievance can also be a formal appeal by an officer to the Mayor and City Council asking that his/her termination, suspension, or demotion be lessened or overturned. In this hearing the officer will have the opportunity in an Executive Session with the Mayor and City Council to the basis for their appeal and the Mayor and City Council will determine if the termination from employment, suspension, or demotion stands, will be modified, or is to be rescinded. The hearing shall be conducted in Executive Session.

## **V-G: Administration Leave**

The City may place an employee on an involuntary administrative leave of absence in situations in which the City determines that the employee's absence from work would be in the City's best interests. Benefits will remain in effect, and the leave is ordinarily paid leave. Administrative leave does not count as hours worked for the purposes of calculating overtime.

The Mayor, the City Administrator, or a Department Head, in consultation with the Human Resources Director, may place an employee or officer on administrative leave when:

1. the leave is necessary or appropriate when conducting an administrative investigation;
2. the employee is or reasonably appears to be disrupting normal business operations;
3. the City reasonably believes the employee represents a danger to themselves or others;
4. when an emergency or other situation arises that creates dangerous or unsafe work conditions, including inclement weather;
5. prior to a recommended termination from employment or other serious disciplinary action;
- or,
6. for any other legitimate business purpose or when it is in the best interest of the City to have an employee or employees removed from the workplace or work site.

The City will notify an employee placed upon administrative leave of the general reason for the leave. When an employee is placed on administrative leave, the City may restrict the employee's access to the workplace, contact with other employees, access to the City's technological and communication systems, require the employee to turn in any keys, equipment or the like, and prohibit the employee from engaging in the conduct of any action in his or her official capacity while on administrative leave, consistent with the underlying basis for the leave.

An employee or officer placed upon administrative leave must be reasonably available to work or return to the workplace or worksite, unless placed on administrative leave for a particular period of time. Administrative leave cannot be substituted for paid personal leave, including vacation or

sick leave. An employee on administrative leave with pay must provide a telephone number where he or she can be contacted. If an employee is placed on administrative leave pending the results of an administrative investigation, the employee shall make themselves available to make a statement as directed during normal working hours and, upon conclusion of the investigation, the City will withdraw administrative leave and direct the employee to return to work or initiate disciplinary action as appropriate.

#### **V-H: Judicial Suspension**

An employee must notify his or her immediate Supervisor, Department Head, Human Resources Director or the City Administrator of any arrest, charge, incarceration, or criminal trial in which the employee is the accused that could affect the employee's attendance at work, work performance, or adversely impact the City or bring the perception of the City into disrepute.

The City may place employees who have been charged with or arrested for the commission of a crime, other than minor traffic offenses, on judicial suspension – an unpaid leave of absence. Employees who are placed on judicial suspension, are subsequently acquitted, and are not issued to disciplinary action for violation of City policies related to the conduct for which they were arrested or charged may be entitled to reinstatement of wages and benefits lost while on judicial suspension.

If the employee is convicted of a crime which is inconsistent with continued employment with the City in his or her position, or the City terminates, demotes, or suspends the employee from for violation of City policy related to such conduct, he or she shall not be entitled to reinstatement of wages and benefits.

An employee placed on judicial suspension may be subject to disciplinary action for any violation of City policy. The City may elect to conduct a separate administrative investigation regarding the possible violation of City policies or conduct inconsistent with continued employment with the City separate from the arrest or charge. Upon completion of such an investigation, the City may revoke judicial suspension and impose disciplinary action regardless of the status of the criminal matter. In such circumstances, the employee may access the City's Grievance Procedure.

Upon completion of the investigation or judicial process, the City will revoke judicial suspension. If the City does not elect to impose disciplinary action for violation of City policy or conduct inconsistent with continued employment, the employee is found not guilty, and no disciplinary action is subsequently taken, the employee will be reinstated and any wages and benefits withheld during a judicial suspension will be paid.

#### **V-I: Dress and Appearance of Employees**

Each employee's dress, grooming, and personal hygiene should be appropriate for his or her position and work assignment. "Dress for your day" allows employees' discretion to select appropriate dress, to include footwear, for the business of each workday. Casual dress on workdays when there are no meetings with vendors or other outside third parties and business casual when there are meetings allows for employees to be relaxed but the expectation remains

that employees will wear clothing that is neat, clean and not overly suggestive. Business professional is always acceptable.

The City Administrator or Department Heads may allow employees to dress in a more casual fashion for designated occasions or other purposes than is normally required. Employees are still expected to present a neat appearance and are not permitted to wear clothing or footwear that is inappropriate for the workplace. In general, business or casual dress for the workplace does not include wearing shirts with holes, jeans with holes, shorts or flip flops.

Certain employees may be required to meet special standards consistent with the nature of their job such as wearing uniforms, safety gear, etc. An employee who does not meet the City's reasonable personal appearance or uniform standards will be required to take steps to comply, which may include leaving the workplace to change clothing. Nonexempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violation of this policy or a departmental appearance or uniform policy may result in disciplinary action. Any questions regarding the appropriateness of attire should be directed to the Department Head or Human Resources.

#### **V-J: No Expectation of Privacy**

##### **City Property**

City employees do not have any expectation of or right to privacy in connection with the use of City property, including work areas, workstations, and technology and communications systems. The City may conduct such searches, inspections, and monitoring of City property as it deems necessary or advisable from time to time, without advance notice and with or without reasonable suspicion. Therefore, employees do not have, nor should they have, any expectation of or a right to privacy in connection with the use of City property. Nothing in the Employee Handbook confers an individual right to the personal use of or is to be construed to provide an expectation of privacy in the use of City property. City employees have no right to privacy in their use of City property and in any communications generated by the use of City property at any time. The City has unlimited access to and the right to fully monitor and inspect its property, including its technology and communications equipment and networks.

##### **Personal Property**

Searches and inspections of an employee's personal property may be conducted only when there is a reasonable suspicion that the employee is or may be in violation of any significant policy, rule, or law. The search of personal property shall be reasonably confined to the scope warranted by the circumstances and shall be observed by an additional member of management. Absent extraordinary circumstances, employees will be notified any time their personal property is searched. Other than in the Police Department, searches of employees' personal property require approval of the Human Resources Director or City Attorney, absent exigent circumstances or legal process. Searches conducted by or for law enforcement purposes require a search warrant issued by a neutral magistrate absent exigent circumstances.

## **V-K: Use of City Property**

City property is to be used for the purpose of conducting City business. All property owned, leased, or used by the City is for the express purpose of performing work-related City services, including facilities, buildings, equipment, furnishings, vehicles, tools, supplies, technological systems and equipment, communication systems and equipment, and intellectual property. Use of City property for personal purposes will be restricted and limited to protect City employees and property, and to ensure public accountability.

All employees are responsible for properly using and maintaining City property, in a manner consistent the City's work practices, to prevent damage to equipment, property, or resources. Employees shall act responsibly to minimize economic or other losses to the City from the use of such property.

No employee may use City property for personal purposes or for the benefit of any other individual or entity, except 1) if required in the performance of official duties; or 2) for occasional, incidental, and generally accepted personal use at no or minimal expense to the City. For example, generally accepted incidental uses would include brief and infrequent use of City telephones for personal calls, occasional and appropriate personal use of e-mail communications (excluding excessive group e-mails), and occasional use of the Internet which is not otherwise restricted or prohibited. Excessive personal use or personal use which interferes with the performance of an employee's duties or negatively impacts others is not permitted.

Improper use of City property will result in disciplinary action, up to and including termination of employment. Improper use includes any use other than for the intended or authorized purpose for the equipment or property, use inconsistent with this policy, use of that violates other City policies or rules, or any harassing, discriminatory or offensive communications.

### **Use of Vehicles for City Business**

Employees or officers must be authorized to operate City-owned or City-leased vehicles or privately owned vehicles on City business. Employees who operate vehicles in the course of their employment must have a valid driver's license, maintain their license in good standing, and obtain required qualifications for operating specialized vehicles. Any employee or officer who operates a City-owned or City-leased vehicle or operates a privately-owned vehicle for City work-related purposes must:

1. Be fully qualified to operate the vehicle;
2. Possess a valid driver's license for the type of vehicle being driven;
3. Operate the vehicle only as authorized;
4. Comply with all traffic laws, rules, and regulations;
5. Exercise due care and diligence in operation of the vehicle;
6. Not permit any unauthorized person to operate or ride in the vehicle;
7. Adequately maintain and insure any privately-owned vehicle;
8. Be 18 years of age or older;

9. Not operate a vehicle when under the influence of alcohol, any controlled substance, or any prescription or over-the-counter medication that may impair the ability to safely operate a motor vehicle;
10. Not operate the vehicle when afflicted with any physical or mental condition or limitation that may affect the ability to safely operate the vehicle;
11. Promptly notify the City of any accident, maintenance problem, or other problem with the vehicle;
12. Wear a seatbelt; and,
13. Refrain from eating, drinking, writing, using a mobile phone, or any other activity that may cause distraction or result in unsafe operation of the vehicle, including sending, reading, writing, or responding to a text message or similar communication via a wireless communications device, except in emergency situations as permitted by Kansas law.

An employee or officer who is required to operate a motor vehicle in the performance of his or her duties who loses driving privileges, loses insurance coverage, fails to maintain a safe driving record, or is reasonably determined to represent a danger to themselves or others in the operation of a vehicle may be prohibited from operating City vehicles or privately-owned vehicles for City business and may be subject to transfer, suspension, demotion, or termination of employment.

Employees or officers who operate City-owned or leased vehicles or privately-owned vehicles in the course of performing City business are required to notify the Human Resources Director of any change in the status of their driver's license, any suspension of their driving privileges, or notice of the intent to suspend or restrict their driving privileges within one business day of such change, suspension, or notice of hearing or intent to suspend, revoke, or restrict driving privileges. Violation of this policy, including failure to notify the Human Resources Director as required by this policy, may result in disciplinary action, up to and including termination of employment. This policy also applies to employees who are authorized to take vehicles home. Any administrative policies related to the use of vehicles for City business will be distributed to all City employees and all newly hired employees at the initiation of their employment.

#### **V-L: Acceptable Use of Technology**

All City employees, officers and Department Heads are expected to use information technology and communication systems in a productive, ethical and lawful manner.

For the purpose of this policy, information technology means all communication and computing devices and systems including, but not limited to, computers, Internet access or connections, Intranet, websites, social media sites, networks, servers, mobile devices, , printers, tablets, e-mail, voice mail, cloud-based storage, other devices, data services or storage systems, etc. provided by contract to the City or any of its departments, and any data stored or kept in or on any of the above. All information technology resources, including all messages and data sent, received or

stored on the City's resources are the property of the City and are subject to the review, control, search, retention, and/or disposal of the City.

Employees, officers, Department Heads, and all other users have no privacy rights and should have no expectation of privacy in their use of the City's information technology and communication systems, including any incidental personal use. The City may monitor, audit, intercept, access and disclose all data and messages created, received, or sent using information technology resources to promote efficiency, maintain policy compliance, or require with legal requirements. Passwords or access codes provided to or created by any employee, officer, Department Head, or other user to access the City's information technology systems are intended solely for maintaining the security of the systems and are not intended to create any right or expectation of privacy. Access to City information technology resources is a privilege that may be revoked at any time.

The City's website and any other City social media sites or applications serve as communication channels for distributing official City information to employees and the public and to provide online access to City services. The City's website and its social media sites are considered publications of the City and are subject to the same sort of editorial review as any other official City publication.

Improper use of City information technology resources will result in disciplinary action, up to and including the termination of employment. Improper use includes any misuse described in this policy, any misuse that would result in violation of other City policies, as well as any harassing, offensive discriminatory, or obscene communications.

### **Criminal Justice Information Systems**

The Police Department and any other department which has access to or makes use of criminal justice information systems, including but not limited to KCJIS and NCIC, shall comply with all state, federal regulatory and contractual obligations related to the use of such systems. Department Heads and officers with access to such systems are responsible for ensuring employee compliance with the requirements and limitations related to the use of criminal justice information systems and shall comply with protocols for their use. As such, criminal justice information system access may require additional security protocols and separation from the City's other information technology systems.

### **Department-Specific Requirements**

Any Department that has business or operational requirements that justify deviation from specific provisions within this policy may implement alternative written provisions for its use of information technology resources and communication systems. Alternative provisions must be: (1) justified by business need or purpose, (2) consistent with the intent of this policy, (3) proposed in writing by the Department Head, in consultation with the Human Resources Director, and (4) approved by the City Administrator.

### **Use of the City's Information Technology Resources**

1. Messages, posts, or other communications, in any form, should be accurate, appropriate, and ordinarily, work-related.

2. As representatives of the City, employees, officers and Department Heads must ensure that no personal correspondence, posting, or communication appears to be an official City communication, damage the City's reputation, create the appearance of impropriety, or create liability for the City.
3. Employees are responsible for content they post or posted to sites they control. The City will monitor online activity made from City technology and communication systems. The content of online publications made from personal communication sites may be brought to the attention of the City, and the City may monitor online activity and comments, whether or not those posts are made from City facilities, particularly if such activity reflect upon, are introduced to, or interfere with the workplace, bring the City into disrepute or public ridicule, present a conflict of interest, or create impropriety or the appearance of impropriety.
4. The transmission and dissemination of electronic messages or communication should be treated in the same manner as traditional written correspondence. Communications that would be inappropriate under other City policies are equally inappropriate in a digital message. Employees, officers and Department Heads are always expected to use professional judgment and common sense.
5. If an inappropriate Internet, social media, or Web site is accessed, the site or browser session should be immediately closed. Employees should contact their Supervisor, Department Head or IT if unsure about the security or propriety of a site.
6. Communications and data sent, received or stored on the City's information technology systems or network are generally open public records and may be subject to public disclosure.

### **Security and Licensing**

1. Employees, officers, and Department Heads given access to the City's information technology resources will be provided with and required to utilize and update login and password credentials. Employees may not utilize another user's login or credentials.
2. The City purchases, contracts for, or obtains licensed software for employee use. Users must comply with the terms and conditions of the City's applicable software licensing agreements. Employees should contact IT any time they have a question about the introduction of a software program or application. Any software program or application introduced to the City's information technology resources which is not supported by the City's IT or interferes with the City's resources may be removed.
3. Employees and officers are required to adhere to all applicable licensing and intellectual property restrictions. The City may review the contents of intellectual technology resources to ensure compliance and will remove any software not in compliance.
4. Employees and officers must exercise due care and caution to prevent viruses or malicious software from being received or transmitted through the City's information technology systems. When employees download data from the Internet, e-mail or other digital source, it should be scanned using the City's antivirus software. Employees and officers should not open e-mail attachments unless they are certain of the trustworthiness of the source. Messages that appear likely to contain inappropriate material or a security threat should be deleted. If uncertain, users should contact IT for assistance.
5. Employees and officers must exercise care in communicating confidential information and take steps to ensure that such communications are properly identified and addressed.



6. Employees and officers are required to timely update operating systems and virus protection software. Employees must immediately report all lost, stolen, or misplaced devices to IT or their Department Head. Employees must immediately report any breach or potential breach of security in any of the City's systems or devices to IT.

### **Incidental Personal Use**

Employees, officers, and Department Heads may make incidental personal use of the City's information technology resources as long as such use: 1) is brief and occasional; 2) does not interfere with the employee's work, another's work, or City's operations; and 3) does not violate any City or department policies, procedures, or rules.

### **Unacceptable Use of Technology**

Unacceptable uses of City's information technology resources include, but are not limited to, the following:

1. To conduct a for-profit business or enterprise for personal gain;
2. To view, store, display or transmit any messages or images that contain defamatory, false or fraudulent, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory or harassing material;
3. To view, store, display or transmit any messages or images in violation of any local, state or federal law, or which contains illegal material or solicits the performance of any activity or conduct that is prohibited by law;
4. To introduce computer worms, viruses, tracking software or other malicious program;
5. To download data or introduce programs designed or likely to result in the disruption or data corruption to network systems;
6. To falsify another user's identification or seek or gain unauthorized access to a City network, system, database, or another user's account;
7. To attempt or to gain unauthorized access to digital information or communications resources;
8. To access sites or services that create a security threat to the City's networks or systems;
9. To load, install, or run software, to visit Internet sites that facilitate peer-to-peer file sharing, gaming, gambling, or other unauthorized activity;
10. To upload or save to removable data storage belonging to the City for any inappropriate purpose or personal gain;
11. To use unauthorized encryption devices or software on the City's information technology resources or data;
12. To share or duplicate software, violate licensing agreements, or misuse intellectual property;
13. To save or transfer City data to an unapproved storage or mobile device;
14. To install, use, or access software or hardware devices designed to gain unauthorized access to information technology resources or the unauthorized recording of the use of another by password recording, port scanning, keystroke recording, or other method.

### **Mobile Device Management, Virtual Private Network and Remote Access**

The City has obtained and implemented a mobile device management platform to protect the City's information technology systems, network and data. All City-owned mobile devices will be enrolled in the City's mobile device management platform. All mobile devices must meet the City's technical requirements, and all authorized users must comply with the City's requirements and procedures. The City Administrator, based upon the written recommendation of IT, shall approve and implement, and as needed in light of changing technology and evolving security threats, update technical requirements and user procedures. IT will be responsible for ensuring that the City's mobile devices are properly updated with security applications and/or software and mobile device management updates. In addition to protecting the security of City systems, mobile device management requirements and procedures shall be compatible with health, consumer, employee, and patron privacy protections, intellectual property mandates, and legal requirements.

Use of City-owned mobile devices shall be primarily used for City business. Users may make occasional, incidental personal use of City-owned or leased mobile devices consistent with this policy. As with all other City information technology resources, all data, programs, records, and electronically stored information, including all messages and data sent, received or stored on the City's mobile devices are the property of the City and are subject to the review, control, search, retention, and/or disposal of the City. Department Heads, officers and employees should have no expectation of privacy in their use of City-owned personal devices. Moreover, users should be aware that information, data and records contained on a City-owned or leased mobile device may be subject to disclosure under the Kansas Open Records Act.

The City utilizes mobile device management, Outlook Web Access (OWA), and virtual private network (VPN) systems to reasonably protect the safety, security and privacy of its information technology and communication systems. To ensure the safety and security of the City's information technology systems, network and data, Department Heads, officers and employees are not permitted to access the City's information technology network(s) and communications systems through personally owned devices. All remote access to the City's information technology network(s) and communications systems may only be accessed by authorized employees on City-owned and issued devices and thus subject to the City's technical requirements, restrictions, and limitations to protect the security of the City's information technology systems, network and data.

The City will provide employees who are not assigned a desk or desktop personal computer with access to a workstation, a mobile device, laptop, or similar communication or technology, as needed, to perform their respective duties. The City may provide such employees with limited access to OWA during working hours. The City will limit access to the City's email, network and information technology systems through OWA to City-owned devices.

Permission to access the City's information technology and communication systems, through VPN or mobile device, will be determined by the employee's Department Head or the City Administrator based upon legitimate business need and considering the security of the device accessing the data as determined and approved by the City's IT Services Provider. The Department Head or City Administrator, as appropriate, must approve access in writing. Department Heads and Supervisors must recognize that remote access and use of City information technology systems may constitute hours worked under the FLSA and are responsible to manage employee use.

IT under the management and direction of the City Administrator shall administer the City's mobile device management platform and related software programs, the City's remote access procedures, and the applicable security requirements to access the City's network and communication systems; provided that, access to, including remote access to, criminal justice information systems may be segregated from the City's other information technology, networks, and communication systems and subject to the control, management and oversight of the Police Department or other public safety agency and shall comply with all state, federal regulatory and contractual obligations related to the use of such systems. Individuals granted remote access or mobile devices shall not export City data to personally owned computers, tablets, or mobile devices of any sort. Any City data exported to personally owned computers or mobile devices in violation of this policy will remain the sole property of the City and will be subject to recovery, discovery, and legal process.

## **V-M: Social Media**

Employees, Officers and Department Heads must appreciate the distinction between business and personal use of social media. The City encourages its employees, officers and Department Heads to use care and good sense in their personal use of social media to avoid creating an issue which undermines their ability to successfully perform the duties of their position. Mistakes should be corrected as soon as possible as permitted by the site or application. Material in violation of the City's Social Media Policy must be removed as soon as possible.

### **Business Use of Social Media**

Social media are means by which the City may communicate with employees, members of the public, customers, partners and vendors. Only City employees authorized by their departments may use social media sites/applications to conduct City business. If authorized and in keeping with City policy, an employee may post on a social media site the City's name or department, email address or telephone number for contact purposes, or post official department information, resources, calendars and events.

As with all communication, employees and officers must ensure online activities bring value, are professional and accurate. Spring Hill reserves the right to monitor usage and content and restrict the use of or access to media or sites at any time without notice.

Spring Hill retains full editorial control over all content of its social media sites and when possible, will edit or remove material if deemed by the City or its representatives to be inappropriate or in violation of any City policy or procedure.

Employees shall not make a post to any City-run or City-managed social media accounts if the post:

1. Contains profane language or content;
2. Promotes, fosters or perpetuates discrimination;
3. Constitutes sexual harassment;
4. Solicits commerce or advertisements including promotion or endorsement;

5. Conducts or encourages illegal activity;
6. Contains information that may compromise the safety or security of the public or public systems;
7. Intends to defame any person, group or organization;
8. Violates a legal ownership interest of any other party, such as trademark or copyright infringement;
9. Makes or publishes false, vicious or malicious statements concerning any employee;
10. Contains violent or threatening content;
11. Discloses confidential or proprietary information;
12. Contains information that is not pertinent to the discussion topic; or
13. Comments in support or opposition to political campaigns or ballot issues.

The above list shall not be deemed to be all-inclusive and the City reserves the right to add additional criterion. The City reserves the right to ban users who repeatedly violate the above civility expectations from its social media sites.

### **Procedures**

Employees who are responsible for content must exercise vigilance in online activities. These activities reflect on both the employee and the City. As such, careful consideration as to what is published is essential. Violation of confidentiality or comments made against others in violation of City policy may be removed and, if made by an employee, will be subject to disciplinary action, up to and including termination of employment.

The following are provided to ensure appropriate use of social media:

1. Only authorized employees or officers may use the City's social media sites or applications to conduct City business.
2. The Public Affairs Specialist is responsible for operating, posting, monitoring and auditing the City's social media sites to ensure compliance with the City's policies.
3. The same care must be given to information shared through social media as is given to other avenues.
4. Authorized employees should correct mistakes as soon as possible as permitted by the site or application. Authorized employees must remove any material in violation of the City's Social Media Policy as soon as possible.
5. Departments must specify at least two individual employees who have authority to speak for the department via social media sites.
6. Each Department shall designate an individual to communicate with the City Public Affairs Specialist relating to providing information via social media.
7. Establishment of accounts under individual employees is not permitted.
8. Departments must control the use of usernames and passwords associated with social media sites, ensuring that ownership is the City and not restricted to any one person.
9. Departments must immediately change usernames and/or passwords if an employee previously authorized to speak for the department via social media sites leaves employment or is otherwise no longer authorized to speak for the department.

10. Departments are responsible for monitoring or auditing their social media sites to ensure they are consistent with established guidelines or departmental protocols.
11. Employees are expected to protect the City's confidential and proprietary information and are prohibited from sharing information that is confidential or proprietary. Examples of this include health information, vendor information, confidential bid documents, contractor proprietary information, and personnel information and records.
12. Employees must respect copyrights, trademarks, patents, service marks or other intellectual property rights, and must ensure the right to use content is granted before it is published. Proper credit for others' work must be clearly indicated on the site.
13. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City.
14. Employees must respect the audience, the City, fellow employees and customers. The use of slurs, personal insults, defamatory language, obscenity or engaging in any conduct that would not be acceptable in the workplace or bring discredit to the City is strictly prohibited.
15. City employees must respect and show proper consideration for others' privacy.
16. Departments who seek to establish a separate or additional social media presence must provide notification to the City's Public Affairs Specialist who will notify the City Administrator. Department-specific social media should ordinarily be linked to the City's website and primary social media outlets. A department may create a separate social media platform, service or presence only upon the approval of the City Administrator.
  - a) Departments must provide the login and password information for the social media site or application to the Public Affairs Specialist and City Administrator.
  - b) Departments are responsible for monitoring or auditing their social media sites to ensure they are consistent with the City's guidelines and protocols.

### **Personal Use of Social Media**

This applies to the personal use of social media and content contributed to social media in the workplace, and to professional use, or apparent professional use, of social media outside of the workplace. Department Heads, officers and employees should be aware that third parties may confuse their personal and professional roles. Employees should exercise vigilance in their online and social media activities and are responsible for content posted by them or posted to sites over which they have control. These activities, including personal use of social media outside the workplace, reflect on the individual and, in some cases, the City if the employee's job entails authority to speak on behalf of the City. As with other online activity, employees, officers and Department Heads may be held responsible for social media posts that are not a matter of public concern or are related to their employment and portray the City negatively, bring the City into disrepute, or are inconsistent with continued employment. Employees are encouraged to clarify that any personal social media pages or statements expressed therein include a disclaimer that the page and/or statement is personal or the employee's own.

The personal use of City resources to access social media is to be limited to incidental use. Such use must not interfere with the employee's performance of assigned job responsibilities, interfere with other employees' job performance, or compromise the functionality of the department or City network.

The City reserves the right to monitor workplace use and restrict the use of or access to media or sites at any time without notice. This procedure applies to all aspects of social media and social networking tools and channels used in the workplace or accessed through City equipment.

### **Procedures**

Employees should exercise vigilance in online activities and are responsible for content posted by them or posted to sites over which they have control. The content of online publications may be brought to the attention of the City, and the City may monitor online activity and comments, whether or not those posts are made from City facilities.

The following guidelines are provided to ensure appropriate use of social media:

1. If posted material may reasonably be construed to represent the City, the material shall be accompanied by a disclaimer: an explicit statement that the individual is speaking for themselves and not as a representative of the City or any of its departments or agencies.
2. Employees and officers should take care to ensure that social media sites are not left open on their desktop when the media is not in use.
3. Employees and officers may be subject to disciplinary action, up to and including termination of employment, for inappropriate personal use of social media in the following circumstances:
  - a. Use that is inconsistent with an employee's or officer's position, duties or continued employment or brings ridicule upon the City and does not address a matter of public concern or is a workplace personal grievance or disruption, consistent with evolving legal standards.
  - b. Release of protected information with regard to information gained in the workplace or as a result of an employee's professional responsibilities.
  - c. Personal comments or images which are disruptive to the workplace and do not address a matter of public concern.
  - d. Inappropriate use of social media in the workplace or while using Spring Hill equipment.

- e. Employees, Officers and Department Heads may not utilize auto-notifications for personal social media platforms, sites or applications or personal use of the same on the City's information technology and communication systems and equipment. Personal social media notifications and alerts should not be linked to employees' City email address.
4. Employees and officers must minimize the amount of video that is accessed from work. If an employee receives a link to a video or audio file that is not work related, employees should access the files at home. As with nonwork related email, employees should not share or forward non-work related videos.
5. Employees are expected protect the City's confidential and proprietary information and are prohibited from sharing topics that are confidential or proprietary.

#### **V-N: Purchasing, Travel, Uniform and Equipment**

The City has adopted separate Purchasing, Travel, Uniform, and Equipment Policies. Please contact the Finance Department for copies or with any questions.

#### **V-O: Conflicts of Interest and Political Activity**

The City supports the rights of all employees to engage and participate in political activities. The City does not hire, promote, or retain employees on the basis of political affiliation or activity and strictly prohibits the solicitation or coercion of employees by Supervisors or others in positions of authority. The City's employees and Department Heads may engage in political activities in the same manner as any other private citizen outside of the workplace; provided that, an employee's political activity cannot interfere with work attendance or performance or create impropriety or the appearance of impropriety. Employees may not engage in political activity that is incompatible with their duties, hold appointive or elective office incompatible with the duties of their position, provide preference to or denial of services to others on the basis of political affiliation or activities, or wear or display political buttons, badges, or signs in the workplace, while on-duty or in City uniform. Supervisors at all levels and all other employees, officers or persons in a position of authority are prohibited from soliciting employees to contribute money or labor to any candidate or for any political issue, or from compelling, pressuring or coercing any employee to support a candidate or otherwise engage in any political activity.

#### **Incompatibility of Office**

Any employee who becomes a candidate for a City elective office shall, upon meeting the statutory requirements to qualify as a candidate, take a personal leave of absence without pay or resign their position during the pendency of the election. If the employee who seeks elective office is unsuccessful in his or her campaign, he or she may be returned to employment in the same position and consistent with the manner in which any other employee who has taken a personal leave of absence may be returned to employment. If the employee is successful in their bid for an elective City office, the employee must resign from employment with the City as employment with the City and serving as an elected officer of the City is incompatible. Employees may not serve as members of advisory or administrative counsels, boards, or commissions to the City except where

such membership is specifically authorized by City ordinance. Employees elected or appointed to office outside the City may serve in such capacity unless the office and their employment is deemed incompatible pursuant to State law; in such circumstances, an employee or officer may choose whether to resign employment or the elective or appointive office deemed incompatible by law.

#### **V-P: Smoke-Free and Tobacco-Free Workplace**

The City prohibits smoking, including but not limited to the use of vapor producing electronics or similar pipes or devices (“vaping”), e-cigarettes and the use of any tobacco products within any building or facility owned or leased by the City; in work areas, including exterior work sites while performing services on behalf of the City; in vehicles owned or leased by the City; or where otherwise prohibited or designated as smoke or tobacco free areas and within any other facility or property used or occupied by the City for conducting business. The City complies with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

The City permits smoking, vaping, e-cigarettes and tobacco use in most exterior areas of City property, at least 10 feet away from any entrance or exit to a City owned, leased, or controlled building; provided that, the City Administrator or his or her designee, may designate one or more entrances, or areas at or around an entrance, of any City owned, leased, or controlled building as smoke- and tobacco-free areas and may prohibit smoking, vaping, e-cigarettes, or other tobacco use in particular exterior facilities, *e.g.* the Aquatic Center or other outdoor property.

Employees should exercise common courtesy, respect the needs and sensitivities of coworkers regarding this policy and should treat all coworkers, officials, visitors, and members of the public with respect and civility. Violation of this policy may result in disciplinary action, up to and including termination of employment.

#### **V-Q: Drug-Free and Alcohol-Free Workplace**

The City is committed to protecting the safety, health, and well-being of all employees and the public by maintaining a drug-free and alcohol-free workplace. Employees and officers whose drug or alcohol use impacts the workplace will be subject to disciplinary action up to and including termination of employment. In addition to and/or in the alternative, at the City’s discretion, employees and officers may be given an opportunity to participate in rehabilitation subject to a return-to-work agreement.

#### **Prohibited Behavior**

It is a violation to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, intoxicants, or drug paraphernalia in the workplace, including prescription drugs prescribed for another individual. It shall also be a violation of this policy to work or report to work while under the influence of illegal drugs or alcohol, regardless of where consumed. If an employee violates the policy, he or she will be subject to disciplinary action, up to and including termination of employment, or may be required to enter rehabilitation or seek treatment. An employee required to enter rehabilitation and fails to successfully complete rehabilitation or treatment or repeatedly



violates this policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for a first violation of this policy or for other violations and/or performance problems.

### **Ability to Perform Duties**

Employees, Officers and Department Heads are expected to report to work in a condition that enables them to safely and effectively perform the duties of their positions. If the use of alcohol, illicit drugs, prescribed medications or over-the-counter medicines impairs, or may impair, an employee's ability to perform his or her job duties, he or she should notify the Human Resources Director. Human Resources will discuss work related restrictions and/or accommodations with the Department Head.

Individuals who serve in safety-sensitive and security-sensitive positions have a duty to ensure that they are aware of the effects of any medication they are taking and that the medication will not impair their ability to safely and effectively carry out the functions of their position. Any individual in a safety-sensitive or security-sensitive position is required to advise the Human Resources Director if he or she is taking any over-the-counter medication or prescribed medication that may impair his or her ability to safely and effectively perform assigned duties.

### **Notification of Convictions**

Any employee who is convicted of a criminal drug violation must notify the City in writing within five (5) calendar days of the conviction either to the Department Head or to the Human Resources Director. The City will take action as appropriate under the circumstances and as required by the Drug-Free Workplace Act within thirty (30) calendar days of notification. Departments which have been awarded federal grants or contracts shall notify the appropriate state or federal contracting agencies as required by law. The City Administrator, in consultation with the employee's Department Head or Supervisor, the Human Resources Director and the City Attorney, shall determine whether an employee's conviction is inconsistent with continued employment or whether other action is appropriate, including disciplinary action and/or referral to a substance abuse professional for assessment, successful completion of recommended treatment, or completion of a Return-to-Work Agreement.

### **Notice of Drug or Alcohol-Related Criminal or Administrative Actions**

An employee, officer or Department Head is required to immediately report to his or her Department Head or Human Resources Director:

1. If he or she has been charged with or issued a citation for driving under the influence either:
  - a. at any time, under any circumstances, if operating a motor vehicle is a requirement of the employee's position or the employee operates a vehicle owned or leased by the City; or
  - b. while driving a City-owned or City-leased vehicle or while driving any vehicle while on City business or during working hours.

2. If he or she receives notice of the intent to suspend, revoke or restrict his or her driving privileges or driver's license, or if his or her driving privileges or license have been suspended, as a result of failing a blood or breath alcohol test, failing to submit to testing, or for any other reason related to the operation of a motor vehicle under the influence of drugs or alcohol, if operating a motor vehicle is a requirement of the employee's position or the employee operates a vehicle owned or leased by the City.
3. If he or she is charged with a crime or criminal offense involving the unlawful manufacturing, distribution, possession, or use of a controlled substance, including a citation for any of the above.

The City Administrator, in consultation with the Human Resources Director and the City Attorney, as advisable, will determine whether it is appropriate for the employee to continue working while the charge, administrative hearing or suspension of driving privileges is pending.

### **Drug and Alcohol Testing**

The City requires employees, officers who are employed by the City, and Department Heads, or applicants for employment, as a condition of employment, to participate in drug and/or alcohol testing in the following circumstances:

1. **Pre-employment, Post Offer Testing:** Offers of employment may be conditioned upon the successful completion of drug and alcohol testing.
2. **Reasonable Suspicion Testing:** The City may take such action as it deems appropriate or necessary whenever it has reasonable suspicion that an employee, officer or Department Head may be in violation of this policy or under the influence of alcohol or drugs, including relieving the individual from duty and requiring him or her to submit to drug and/or alcohol testing. "Reasonable suspicion" is an articulable belief based on objective facts sufficient to lead a reasonable person to suspect that an individual is under the influence of drugs or alcohol so that the his or her ability to safely perform his or her job is reduced. "Reasonable suspicion" may exist upon observation of impaired performance; when an employee exhibits physical signs of on-the-job drug or alcohol use; or when a Supervisor or Department Head has information that the employee is using drugs or alcohol.
  - a. If a Supervisor or Department Head reasonably believes an employee may be under the influence of alcohol and/or drugs or is otherwise in violation of this policy, he or she should require the employee to remain on site but immediately cease working and contact the Human Resources Director.
  - b. An employee or officer required to submit to reasonable suspicion testing shall be transported to and from the testing facility by a Supervisor,
3. **Department of Transportation Mandated Drug Testing:** It is the policy of the City to comply with the federal requirements for the testing of employees who are required to maintain a commercial driver's license (CDL). The minimum sanctions in this policy and federal law shall not lessen the City's ability to impose greater sanctions, up to and including termination of employment under the City's disciplinary policies. The City shall

comply with all provisions of the Department of Transportation's CDL requirements including, but not limited to, mandated drug and alcohol testing.

- a. The Human Resources Director, or his or her designee, shall notify employees or the employees' Department Head of the obligation to report to testing as required by Department of Transportation (DOT) regulations and requirements.
- b. All such testing shall comply with DOT requirements and standards.

- 4. Testing Pursuant to a Return-to-Work Agreement:** Employees, Officers or Department Heads who have entered into a return-to-work agreement following violation of this policy or upon the recommendation of a Substance Abuse Professional (SAP) following voluntary admission of a substance abuse problem or as otherwise required as a condition of continued employment may be subject to drug and alcohol testing as recommended by the SAP and/or under the provisions of a return-to-work agreement.

In the event of a conflict between this Policy and any City policies or procedures that cover transportation employees who are subject to the U.S. Department of Transportation (DOT) drug and alcohol regulations, DOT regulations shall control. The City may then apply this Policy based on the same facts and circumstances.

### **Testing Procedures**

The City's drug and alcohol testing and related programs and all related documentation and recordkeeping will be administered by the Human Resources Director. The Human Resources Director, under the supervision of the City Administrator, will oversee, administer, or approve all drug and alcohol testing described in this policy, or the City upon the direction of the City Administrator may utilize a third-party provider to administer and implement any or all aspects of its DOT testing program. To ensure the accuracy and fairness of the City's testing program, all drug testing will be conducted according to DHHS/SAMHSA guidelines, and all alcohol testing will be conducted in a manner consistent with the guidelines for alcohol testing issued by the Kansas Department of Health & Environment or by the DOT, as applicable.

### **Positive Tests**

Any employee, officer or Department Head who tests positive for alcohol or drugs will be removed from duty and will be subject to disciplinary action, up to and including termination of employment. In addition to disciplinary action or in the alternative, an employee who tests positive may be referred to a Substance Abuse Professional (SAP) for assessment and recommendations, required to successfully complete recommended rehabilitation or treatment, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, and subject to immediate termination of employment if he or she tests positive a second time or otherwise violates the Return-to-Work Agreement.

An applicant who fails to successfully complete a drug or alcohol test or otherwise violates this policy will have his or her conditional offer of employment withdrawn.

An employee, officer or Department Head who refuses to complete the screening test or refuses to cooperate in the testing process in such a way that prevents completion of the test, including a retest for negative dilute tests, will be subject to the same consequences of a positive test.

### **Return-to-Work Agreements**

Following a violation of this Policy, including a positive drug or alcohol test, an employee, Officer or Department Head may be required to participate in a substance abuse or rehabilitation program as a condition of continued employment. In such cases, the employee, Officer, or Department Head must sign and agree to the terms of a return-to-work agreement.

### **Voluntary Admission and Assistance**

The City recognizes that alcohol and drug abuse and addiction are treatable illnesses. The City encourages employees to voluntarily seek help with alcohol and/or drug problems. The City encourages employees to seek help if they believe they or their family members may have drug and/or alcohol problems through the City's Employee Assistance Program (EAP).

The City will work with and assist any employee, officer or Department Head who voluntarily admits that he or she may have a drug and/or alcohol problem and needs professional assistance. For the purposes of this policy, the term "voluntarily" means the individual discloses or admits to a problem before the City has reason to believe the individual is or may be in violation of this policy. An employee, Officer or Department Head who voluntarily admits that he or she may have a drug or alcohol problem will be granted a leave of absence upon request, and he or she may use accrued paid leave, consistent with the applicable policy, to seek professional assistance. Treatment for alcoholism and/or other drug use disorders may be covered by health insurance but the financial responsibility for recommended treatment, however, ultimately rests with the individual employee, officer or Department Head.

An employee or officer who voluntarily admits that he or she has a drug and/or alcohol problem and seeks treatment may return to work upon verification that he or she has received an evaluation by a SAP, has successfully completed the SAP's recommendations, including but not limited to any recommended treatment, rehabilitation and drug or alcohol testing, and has successfully passed a return-to-work drug and/or alcohol test. The employee, Officer or Department Head may be subject to follow-up testing as recommended by the SAP.

### **Confidentiality**

All information received by the City in the process of administering the provisions of this policy shall be considered confidential communications. Access to this information is limited to those who have a need to know in compliance with relevant laws and City policies. All drug and/or alcohol information will be maintained in separate confidential records. All substance abuse treatment or healthcare records shall be maintained in separate confidential files and shall not be stored or combined with employment or personnel records.

## **V-R: Weapons in the Workplace**

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

1. Employees and officials legally possessing handguns may carry concealed handguns, during the course of their employment, consistent with the Kansas Personal and Family Protection Act, in areas outside of buildings, including City and personal vehicles, when not otherwise lawfully prohibited, and in public and unsecured areas of any buildings open to the public which is not posted as prohibiting the carrying of concealed weapons.
2. Employees may not store a handgun in a vehicle owned or leased by the City of Spring Hill when they are not in the vehicle or on property owned by the City of Spring Hill unless the handgun is locked in a secure and safe manner.
3. The handgun will be carried completely concealed, in a proper holster or similar product with all safety features in place.
4. Other than certified law enforcement officers, employees may not carry a concealed handgun within the restricted area of the Police Department at any anytime.
5. If an employee elects to lawfully conceal and carry a handgun, the handgun cannot interfere with or delay in the performance of their assigned duties or obstructed required safety equipment.
6. Employees who enter onto “private property” during the course of their duties are required to comply with any restrictions imposed by the property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Attorney General.
7. Employees and officers will not leave a handgun in plain view and/or unattended. Open carry is prohibited by any City employee conducting business whether in a City vehicle or in the employee’s personal vehicle on City business.
8. Other than certified law enforcement officers, it is outside the course and scope of employment for any city employee to use, brandish, point or threaten with a handgun or any other weapon, any person in the workplace or while completing their duties.
9. Employees must abide by any posted signage and security measures with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas state law. If an employee elects to lawfully carry a concealed handgun, the employee is prohibited from carrying into any City facility that has adequate security measures as defined in the Act.
10. Any injury suffered by an employee caused by carrying a concealed handgun while working will not be considered for workers’ compensation.
11. Any liability associated with the employee’s decision to carry a concealed handgun will be considered of a personal nature and will not be defended by the City as the carrying of a concealed handgun is not part of the employee’s duties.
12. Nothing in this Policy shall be construed to waive any immunity to which the City is entitled including but not limited to immunity under the Kansas Tort Claims Act.

## **Section VI: Leave and Benefits**

The City offers several leave and benefit options to its employees as those provisions are considered a critical element of compensation and the City strives to balance employee needs with fiscal responsibility in addition to public service. Some are standard and others require the employee to make a choice that best fits their individual and family needs. The City values its employees and endeavors to provide them with an environment in which they may personally and professionally flourish to benefit themselves, their families, the organization, and the community.

Regular, full-time employees consistently scheduled to work 40 hours per week (unless otherwise indicated) are eligible to participate in the City's leave and benefit programs. The Governing Body is responsible for approving the components of the leave and benefit programs; the amount of City funding allocated to each plan or program and consequently the amount of the City's contribution to employee benefit plans, if any. Benefits are provided at the sole discretion of the City (unless otherwise mandated) and are subject to available funding. They may be modified, revoked, suspended, or terminated without notice at the sole discretion of the Governing Body (unless otherwise mandated). The City will comply with all applicable state and federal laws and tax requirements regarding the provision of benefits in a nondiscriminatory manner. Eligible employees who elect not to participate in the City's leave or benefits programs shall not be entitled to or receive cash payment of any kind for nonparticipation. Benefits designed as accrued will not accrue during an approved Leave of Absence.

When applicable, providers and the provisions of the various benefits may change from time to time, and the terms of various benefit options are dependent upon the contracts and provisions of contracts with the City's providers. The Human Resources Director is responsible for administering the City's leave and benefit programs and for providing information to eligible officers and employees. The Human Resources Director will maintain all official plan documents for the benefits provided by the City, along with plan summaries and information documents. Employees are encouraged to contact the Human Resources Director with questions or for additional information regarding available leave and benefits during the course of employment or at the onset of separation from employment.

A summary of the leave and benefit options are:

- Medical Insurance \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Dental Insurance \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Vision Insurance \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Additional City-funded Employee Vision Care Allotment \*available for all regular employees scheduled to consistently work at least thirty hours per week
- City Provided Group Term Life Insurance
- Voluntary Supplemental Coverage \*available for all regular employees
  - Short-Term Disability
  - Accident
  - Cancer

- Hospital Confinement Indemnity
  - Critical Illness
  - Dental
  - Vision
- Vacation Leave
- Sick Leave
- Paid Parental Leave
- Bereavement Leave \*available for all regular employees
- Holidays \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Personal Days \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Philanthropic Leave
- Civic Leave \*available for all regular employees scheduled to consistently work at least thirty hours per week
- Kansas Public Employee Retirement System (KPERS) or Kansas Police & Fire (KP&F) retirement plan \*available for all regular employees in a covered position working at least 1000 hours per year
- Voluntary KPERS 457 retirement plan \*available for all regular employees
- Voluntary Optional Group Life Insurance\*available for KPERS members
- Employee Assistance Program (EAP) \*available for all regular employees
- Shared Leave
- City Provided Identity Fraud Reimbursement Coverage
- City Provided Uniforms (*when applicable*)
- Longevity Bonus \*available for all regular employees
- Educational Reimbursement
- Training (*when applicable*)
- Aquatic Center season pass discount \*available for all regular employees scheduled to consistently work at least thirty hours per week

## **VI-A: Holidays**

In balancing the interests of public access to government services, observance of honored and traditional holidays, and providing employees with family and personal time, the City ordinarily observes the following holidays annually, unless modified by official action of the Governing Body:

1. New Year's Day;
2. Martin Luther King, Jr. Day;
3. Memorial Day;
4. Juneteenth;
5. Independence Day;
6. Labor Day;
7. Veterans' Day;
8. Thanksgiving Day;
9. The day after Thanksgiving Day; and,
10. Christmas Day.

Holidays are observed on the actual date of the holiday except whenever a holiday falls on a Saturday, the preceding Friday shall be observed, and when a holiday falls on a Sunday, the following Monday shall be observed. The Governing Body may annually amend the above list of observed holidays or establish additional holidays by resolution or ordinance.

Regular, full-time employees and regular, part-time employees consistently scheduled to work thirty hours a week will receive observed holiday pay if: 1) they are actively performing their duties or on paid leave; and 2) not on a personal leave of absence or absent without pay on the workday immediately preceding or following the holiday.

Regular, full-time employees will receive eight (8) hours of pay for observed holidays. Regular, part-time employees consistently scheduled to work thirty hours a week will receive four (4) hours of pay for observed holidays. Holiday pay is not counted as hours worked for computation of overtime pay. Non-exempt employees required to work on the actual day of a holiday observed by the City will also receive premium pay at the rate of one-and-a-half times their regular rate of pay for working on an observed holiday as additional compensation.

#### **VI-B: Vacation Leave**

The City provides vacation leave with pay to regular, full-time employees to encourage employees to balance work and personal life.

Eligible employees will accrue vacation leave monthly at the following rates:

Years of Service	Full Time Hours Per Year	Full Time Monthly Accrual Rate	Full Time Max Hours
0-4	96	8	144
5-9	132	11	198
10-14	156	13	234
15-19	192	16	288
20 + years	216	18	324

Vacation leave may only be accrued to the maximum for an employee's years of service. Once the maximum is reached, an employee will accrue no additional vacation leave until the employee uses vacation hours and drops below the maximum. Any accrual that would exceed the maximum will not be carried forward.

#### **Procedures for Use of Vacation Leave**

1. Employees are eligible to use vacation leave after it has been accrued.
2. Vacation leave may not be advanced unless specified during negotiations at time of employment offer.



3. Employees may request vacation usage in accordance with their department vacation leave request processes. Department Heads and Supervisors will approve or deny vacation requests in a fair and equitable manner based on City and department business needs.
4. An employee will be compensated vacation leave up to their regularly scheduled hours for the requested day of vacation.
5. When an observed holiday occurs during an employee's vacation leave, the time off will be considered holiday pay rather than vacation leave.
6. The City does not permit the refunding of vacation time for illness or injury while on vacation.
7. Vacation leave may not be used as a two-week resignation notice, unless approved by the City Administrator.
8. Vacation leave must be exhausted before an unpaid personal leave of absence will be considered.
  - a. Unpaid instances during any pay period that is the result of an inconsequential amount of time is allowed as long as the Department Heads and Supervisors approve the employee's timecard submission. Occasional and inconsequential unpaid instances must not create a pattern and/or negatively impact the operation of the Department or the City as a whole. Employees are expected to report to work as scheduled, on time and for the duration of their shift and comply with applicable processes to request time away from work.
9. Accrued and unused vacation leave must be used congruently with leave taken under the Family Medical Leave Act (FMLA) if other available leave is exhausted.
10. Vacation leave is paid at the employee's base rate of pay at the time vacation leave is used. Vacation leave, although compensated, does not count as hours worked for the purposes of calculating overtime.

### **Separation from Employment**

Upon separation from employment, an employee who has successfully completed his or her Evaluation Period and given a two-week resignation notice will be paid for his or her accrued and unused vacation leave at his or her pay rate at the time of separation. An employee who is eligible for vacation leave who is transferred, promoted, or demoted to a position which is not eligible for vacation leave, whether voluntarily or involuntarily, will similarly be paid for accrued and unused vacation leave. Employees terminated from employment will not receive payment for vacation leave.

### **VI-C: Sick Leave**

The City provides sick leave with pay to regular, full-time employees to provide paid leave from work for employees during periods of nonwork-related illness or injury, to seek medical care or attend appointments with healthcare providers, and to care for immediate family members suffering from illness or injury.

An employee who has exhausted his or her sick leave and experiences any of the events referenced above may use vacation leave upon the approval of the Human Resources Director, who shall consult with the employee's Supervisor or Department Head as appropriate to make a determination. Employees may not engage in any other employment or for-profit personal business while on sick

leave. Any employee who violates this policy or falsifies the need or eligibility for sick leave may be denied paid leave or subject to disciplinary action, up to and including termination of employment.

### **Accrual of Sick Leave**

Eligible employees accrue sick leave monthly at the following rates and to the following maximums:

1. Regular, full-time employees will accrue 10 hours of sick leave per month to a maximum of 600 hours of accumulated sick leave.

### **Procedures for Use of Sick Leave**

1. Sick leave may be used for:
  - a) The employee's own non-occupational illness or injury;
  - b) The illness or injury of an immediate family member;
  - c) Medical, dental, healthcare, and counseling appointments for employee or for immediate family members where the employee's attendance is required;
  - d) Pregnancy, the complications of pregnancy and recovery;
  - e) Birth of the employee's child, or placement of a child for adoption or foster care with the employee; and,
  - f) Any event for which the employee is eligible for and entitled to leave under the Family Medical Leave Act (FMLA). Note the City's policy is accrued and unused sick leave must be used congruently with leave taken under FMLA.
2. For the purposes of this policy, *immediate family member* is defined as:
  - a) Spouse and spouse's parents;
  - b) Children and their spouses;
  - c) Parents and parents' spouses;
  - d) Siblings and their spouses; and
  - e) Grandparents and grandchildren and their respective spouses.
3. Employees are eligible to use sick leave after it has been accrued.
4. Sick leave may not be advanced unless specified during negotiations at time of employment offer.
5. An employee may use sick leave up to the employee's regularly scheduled and unworked hours for the requested sick day or portion of the day.
6. When an observed holiday occurs during an employee's ongoing or scheduled sick leave, the time off will be considered holiday pay rather than sick leave.
7. Sick leave is paid at the employee's base rate of pay at the time sick leave is used. Sick leave, although compensated, does not count as hours worked for the purposes of calculating overtime.

### **Notice and Scheduling**

1. Unless on approved FMLA leave or other legally protected leave, an employee must report sick leave absences to his or her Supervisor, Department Head, or Human Resources, and provide minimally sufficient information describing the need for sick leave consistent with this policy.
2. Employees should report their absence or need for sick leave with as much advance notice as practical and, at a minimum, prior to their scheduled work time unless unable due to the

circumstances causing the need for leave. If an employee is unable to report the need for leave prior to the start of his or her scheduled work period, he or she shall notify the City as soon as reasonably practicable.

3. Employees requesting sick leave for scheduled medical appointments shall provide advance notice to their Supervisor, Department Head, or Human Resources.
4. Failure to provide reasonable notice may result in the denial of paid leave for the absence.

### **Medical Documentation of Need for Leave**

The Human Resources Director, upon the request of Supervisor or Department Head or upon his or her own, may require an employee to provide a medical statement if sick leave is taken excessively, for more than three consecutive days, or if the Human Resources Director has reason to believe the need for sick leave is not genuine, subject to applicable law.

Employees using or anticipating the need for sick leave of two weeks or more must provide the Human Resources Director with a written statement from a health care provider or documentation of the need for leave consistent with a qualifying FMLA event. In addition, the sick leave is used for an employee's personal illness or injury, the employee will be required to furnish the Human Resources Director with a release to return to work.

### **Separation from Employment**

Unused sick leave is not paid out upon separation from employment. However, an employee with ten (10) or more years of service with the City of Spring Hill and who separates upon KPERS or KP&F retirement, will be paid 50% of his or her accumulated and unused sick leave up to a maximum of 240 hours. Such payment will be based on the employee's rate of pay at time of retirement.

## **VI-D: Personal Days**

The City provides employees with additional flexible personal days in light of the importance of family time, attending to personal matters, and recognition of holiday traditions beyond the City's observed holidays. Regular, full-time and regular part-time employees consistently scheduled to work thirty hours a week may use up to two (2) paid personal days or 16 hours per year to be taken in full days or hourly increments.

Employees on the City's payroll in a qualifying position on or before January 1 shall receive two (2) paid personal days or 16 hours. Employees hired, transferred or promoted to a qualifying position between January 2 and June 30 shall receive one (1) paid personal day or 8 hours. Personal days, or personal time, may be used as soon as it is credited to an employee. Employees will not be compensated for unused personal days upon separation from employment. Personal days must be used in the calendar year awarded and will be forfeited if not used in the calendar year, prior to the separation of employment, or upon transfer to a non-qualifying position.

Employees shall request the use of personal days in advance and in a manner consistent with City or department leave request practices.

## **VI-E: Longevity Bonus**

The City makes an annual longevity bonus payment to all regular full-time and regular part-time employees in recognition of their continued faithful service to the City and dedication to public service. The City provides an annual bonus to eligible employees each December of five dollars per month (\$5.00/month) for each full month of continuous employment with the City. Only regular full-time and regular part-time employees who are actively employed by the City at the time of payment and who are expected to be employed through the end of December are eligible to receive an annual longevity bonus. Employees who separate from employment prior to the payment of the annual longevity pay bonus or who are expected to separate prior to the end of the December are not eligible to receive a longevity bonus.

Funding may be modified, suspended, or terminated at the sole discretion of the Governing Body. Payment of the annual longevity bonus is subject to budget availability.

## **VI-F: Civic Leave**

The City will assist employees in attending to civic responsibilities by permitting employees to take paid time off from their regularly scheduled work hours to attend to civic duties to the extent the time off can be accommodated consistent with business needs and City operations. Regular, full-time and regular, part-time employees consistently scheduled to work twenty-eight hours per week are eligible for civic leave.

An employee may be granted civic leave with pay when:

1. Called to jury duty;
2. Voting in a local, state or federal election when the polls are not open at least two hours before or after an employee's scheduled work hours (or as otherwise required by law);
3. Appearing in court or before an administrative or judicial agency to answer a subpoena or summons;
4. Responding to or assisting in criminal investigations;
5. Appearing as a witness in civil or criminal court proceedings or administrative hearings
6. Donating blood (up to four hours);
7. Donating bone marrow (as needed, up to seven calendar days);
8. Donating an internal organ (as needed, up to thirty calendar days); or,
9. Seeking care or assistance or relocating themselves and/or their children as the victim, or victims, of sexual assault or domestic violence (up to seven calendar days).

Paid civic leave will not be granted when the employee:

1. Is appearing in court on a personal matter as the plaintiff or defendant in a civil case or as the defendant in a criminal matter;
2. Is voluntarily appearing in court or in a quasi-judicial proceeding as a character witness;
3. Is voluntarily acting as an expert witness for a fee; or,
4. Is appearing as a function of their job.

The City will not owe employees money for any juror service payments or mileage fees paid as a witness. Employees should refrain from wearing City provided uniforms or bearing the City logo during appearances in court – unless appearing in their official capacity for the City. The City may request documentation confirming attendance or the basis for the request for civic leave, including, as appropriate, the certificate of a health care provider or other record. Although compensated, civic leave shall not be considered hours worked.

#### **VI-G: Bereavement Leave**

The City provides all regular full-time and regular part-time employees with a leave of absence, with pay, from the employee's regularly scheduled hours of work due to the death of an immediate family member of up to five (5) days to attend funeral or memorial services and attend to personal affairs. The City also provides employees with paid bereavement leave of up to three (3) days to attend funeral or memorial services for other family members or persons with whom the employee had a relationship similar to that of a family member. In addition, the City will provide one (1) day paid bereavement leave for employees to attend the local memorial service, funeral, or visitation for a deceased co-worker during the workday, as reasonable, subject to the City's ability to conduct business and meet the needs of the public.

For the purposes of this policy, the term "immediate family member" shall include an employee's:

1. Spouse and spouse's parents;
2. Children and their spouses;
3. Parents and parents' spouses;
4. Siblings and their spouses; and
5. Grandparents and grandchildren and their respective spouses.

#### **VI-H: Shared Leave**

The shared leave policy is a means to provide regular full-time employees the option to receive or donate accrued paid time off to other employees who have (1) experienced a serious, extreme, or life-threatening illness, injury, impairment or condition or (2) been required to quarantine or isolate due to a recognized State of Emergency per a Federal, State and/or local City or County government emergency declaration that will cause the employee to take leave without pay. See separate administrative policy for procedures, limitations, etc.

#### **VI-I: Philanthropic Leave**

The City encourages employees who desire to voluntarily participate in community, charitable, public service, or philanthropic efforts or endeavors, solely of their own accord. Regular full-time employees wishing to volunteer in such philanthropic endeavors occurring in the course of their scheduled work hours may request vacation leave, or compensatory time off and the City will match up to sixteen (16) hours of time within each calendar year. For example, an employee who takes four (4) hours off to participate in a philanthropic event may request the philanthropic

leave, and the City will debit two (2) hours of leave from the employee's accrued leave balance and provide two hours of philanthropic leave, subject to the ability to grant leave in light of operational needs. Sick leave may not be used for matching philanthropic leave.

Philanthropic leave is subject to the written approval of the employee's Department Head or the City Administrator (if a Department Head or employee under the direct supervision of the City Administrator) upon two weeks' prior notice. Employees may be required to provide information, images, video, or photographs related to the event and must execute a consent to the City's unrestricted use and publication of such information, images, video, or photographs to receive philanthropic leave.

To qualify for philanthropic leave, the volunteer efforts must be on behalf of an organization or otherwise in furtherance of an organization or volunteer effort meeting the following requirements:

1. A 501(c) tax exempt organization or an organization, although lacking 501(c) tax exempt status, whose aim or goal is the provision of philanthropic or community services benefitting the community or humanitarian needs of an individual or group, a public school or school district, governmental entity, or quasi-governmental entity.
2. The organization may not discriminate against any person in the provision of services based upon the person's race, color, sex or gender, gender identity or expression including transgender status, citizenship, religion or creed, age, disability, pregnancy, marital status, sexual orientation, genetic information, ancestry or national origin, military status or membership or service in the military.

The purpose of philanthropic leave is the provision of charitable, social or community service. While using philanthropic leave, employees may not:

1. Proselytize or engage in actions solely intended to express religious or social beliefs.
2. Campaign for or participate in any action reasonably seen as campaigning, representing, or supporting any campaign issue, candidate for public office, or ballot initiative.

The City shall not make any content-based decisions with regard to the nature of the organization offering philanthropic or community services, and determinations made with regard to the nondiscrimination requirements of this policy shall be based solely upon the provision of services by the underlying organization rather than its affiliations, political, or religious beliefs in a manner consistent with United States Executive Orders permitting the provision of grant funding to faith-based service providers so long as the providers do not impermissibly discriminate in the provision of services.

#### **VI-J: Family and Medical Leave Act (FMLA)**

It is the policy of the City to provide eligible employees with up to twelve (12) weeks of unpaid, job-protected leave and continuing pre-existing health coverage in a twelve-month period, and to do so in a manner which complies with all applicable requirements of the FMLA.

The City also provides eligible employees with leave, one time during a single twelve-month period, on a per-servicemember, per-injury/illness basis, an unpaid, job-protected leave and continuing pre-existing health coverage for a period of time up to twenty six (26) weeks to care for the employee's child, spouse, parent, or next of kin with a serious illness or injury incurred in the line of duty while serving on active duty in the Armed Forces, including the National Guard or Reserves (servicemember family leave).

### **Employee Eligibility**

Eligible employees are employees who: (1) have worked for the City for at least twelve (12) months (time does not have to be consecutive, unless there is a break in employment of more than seven years); and (2) have worked for the City for at least 1,250 hours in the twelve (12) months immediately preceding the date that leave is to begin.

### **Leave Entitlement**

1. FMLA leave may be taken to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.
  - a. FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.
  - b. Spouses who are both employed by the City are jointly entitled to a combined leave of up to twelve (12) workweeks in the 12-month period for the birth or placement of a child for adoption or foster care.
  - c. Employees may take their FMLA leave intermittently or on a reduced work schedule to care for a child upon birth or placement for adoption or foster care only with the City's permission.
2. FMLA leave may be taken to care for a parent, spouse, or child with a serious health condition.
  - a. Spouses who are both employed by the City are jointly entitled to a combined leave of up to twelve (12) workweeks in the 12-month period to care for a parent with a serious health condition.
  - b. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves:
    - (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or
    - (2) "continuing treatment" by a health care provider which includes any period of incapacity as a result of:
      - i. a health condition lasting more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also includes (i) treatment two or more times within 30 days of the first day of incapacity by or under the supervision of a health care provider; or (ii) at least one in-person treatment within seven days of the first day of incapacity by a health care provider with a continuing regimen of treatment;
      - ii. pregnancy or prenatal care, including severe morning sickness;
      - iii. a chronic serious health condition that continues over an extended period of time, requires periodic visits (not less than twice a year) to a health care provider, and may involve occasional episodes of incapacity;

- iv. a permanent or long-term condition for which treatment may not be effective, if the employee is under the supervision of a health care provider (but not necessarily receiving active treatment); or
  - v. any absences to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days if not treated.
- 3. FMLA leave may be taken when the employee is unable to work because of the employee's own serious health condition.
- 4. FMLA leave may be taken because of any qualifying exigency, as defined in federal regulations, arising out of the fact that an employee's child, spouse, or parent is on active duty in a foreign country or has been notified of an impending federal call or order to active duty in a foreign country.
- 5. FMLA servicemember family leave may be taken to care for a parent, spouse, child, or next of kin who has a serious illness or injury which was suffered or incurred by the servicemember in the line of duty while serving on active duty in the Armed Forces (or that was aggravated by service in line of duty or active duty and has a serious injury or illness that was incurred by the member when previously in line of duty or pre-existing condition aggravated by active service in the line of duty, in the Armed Forces as long as the veteran was a member of the Armed Forces, National Guard or Reserves within five years of requiring the care.
  - a. An eligible employee may take up to twenty-six (26) weeks of FMLA servicemember family leave in a single twelve (12) month period, but that twenty-six (26) weeks is inclusive of all forms of FMLA and servicemember family leave that the employee takes during that period.
  - b. The servicemember family leave is available only in the single twelve-month period that it is initially used. If an employee does not take all of the twenty-six (26) weeks of servicemember family leave during the applicable single 12-month period, the balance is forfeited and no carry-over of servicemember family leave is permitted.
  - c. An employee may be eligible for a new period of servicemember family leave in a subsequent 12-month period to care for different covered servicemember or the same servicemember if he/she incurs a different serious injury or illness.
  - d. Spouses who are both employed by the City and eligible for FMLA leave are jointly entitled to a combined leave of up to twenty-six (26) workweeks in the single 12-month period to care for a parent, spouse, child, or next of kin with a serious illness or injury incurred by the covered servicemember in the line of duty while on active duty in the Armed Forces.

### **Determination of 12-Month Period**

The 12-month period is a rolling period measured backward from the date an employee begins to use FMLA leave, except for servicemember family leave, which is a 12-month period measured forward from the date an employee begins to use leave to care for a covered servicemember.

### **Manner of Taking Leave**

- 1. Continuous – a number of consecutive days up to twelve (12) workweeks, or up to twenty-six (26) weeks for servicemember family leave;
- 2. Intermittent or reduced schedule leaves:



- a. May be taken because of the serious health condition of an employee or to care for the employee's parent, spouse, child or a covered service- member with a serious health condition when medically necessary.
  - b. May be taken to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care only upon the specific approval of the Human Resources Director after consultation with the employee's Department Head.
  - c. The City may temporarily transfer an employee to an alternative position with equivalent pay and benefits in order to accommodate foreseeable intermittent leave or a reduced leave schedule if the employee is qualified for the position and it better accommodates recurring leave.
  - d. An employee using FMLA leave on an intermittent or reduced schedule basis shall attempt to work out a schedule that meets the employee's needs without unduly disrupting the City's operations, when medically appropriate. Employees are expected to consult with their supervisor before scheduling treatment, whenever possible, to work out a schedule that suits the needs of the employee and the City.
3. Eligible part-time employees, or employees who work variable schedules, shall be entitled to leave on a pro rata basis.

### **Notice and Scheduling**

1. An employee giving notice of the need for FMLA leave must explain the reason for the leave to allow the City to determine whether the leave qualifies for FMLA leave. If an employee refuses to explain the reason for the leave, FMLA leave may be denied. If the need is foreseeable, employees ordinarily must provide the City at least thirty (30) days' notice of the need for leave. If the employee's need is not foreseeable, the employee should give as much notice as is practical and reasonable.
2. If an employee fails to give thirty (30) days' notice for foreseeable leave with no reasonable excuse, the City may delay leave until thirty (30) days after the employee provides notice.
3. No employee will be denied leave for failing to provide notice if it was not reasonably practical to provide notice under the circumstances or if the need for leave was not foreseeable.
4. Upon the request of the Human Resources Director, but not more often than every thirty days, an employee on FMLA leave shall periodically report his or her status and intention to return to work.

### **Certification and Return-to-Work**

1. The City will require medical certification, by a health care provider, to support an employee's request for leave due to the employee's own serious health condition, to care for a seriously ill child, spouse or parent or for military family leave arising from the employee's qualifying or to care for a covered service member with a covered serious illness or injury. Employees must return the requested certification to the City within fifteen (15) calendar days after the City's request, absent extenuating circumstances. Employees must provide a complete and sufficient certification.
2. The City may require the employee to obtain a second certification from a City-designated health care provider, at the City's expense. If the medical opinions differ

- and cannot be resolved, the City may require a third certification at the City's expense. The third health care provider must be jointly agreed upon in good faith by the employee and the City. The third opinion shall be final and binding.
3. Upon returning from leave, an employee whose FMLA leave was due to the employee's own serious health condition must submit certification from his or her health care provider that the employee is able to perform the essential functions of his or her position. The employee will not be reinstated until the return-to-work certification is submitted.
  4. The City will require recertification during the period of leave for chronic or permanent/long-term conditions and pregnancy (but not to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care) if:
    - a. the employee requests an extension of leave;
    - b. circumstances described by the original certification have changed significantly; or
    - c. the City receives information that casts doubt upon the continuing validity of the original certification.
  5. If an employee seeks FMLA leave on an intermittent or reduced schedule basis, the certification issued by the health care provider must include: (a) a statement that this type of leave is a medical necessity or that such leave is necessary to care for the family member or will assist the family member's recovery; and, (b) the expected duration and schedule of such leave.
  6. If an employee fails to provide a certification required by this policy within a reasonable time, the City may deny approval of the leave or continuation of the leave until certification is provided.

#### **Maintenance of Benefits During FMLA Leave**

1. Employees taking leave under the FMLA shall receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In order to maintain insurance coverage during any portion of the leave that is unpaid, the employee is required to pay all contributions to medical and dental insurance that would ordinarily be deducted from his/her paycheck. Failure to make payments will result in the loss of benefit coverage and will relieve the City of the obligation to make its portion of the payment for the employee's coverage. A payment which is more than thirty (30) days late is considered to be a failure to pay. Canceled health coverage will be reinstated upon the employee's request when the employee returns to work on the same terms as prior to the cancellation, without any qualifying or exclusionary period.
2. Except as required by the Public Health Act and the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), the City's obligation to maintain health benefits under FMLA ceases:
  - a. if an employee informs the City of his or her intent not to return to work;
  - b. if the employee fails to return from leave;
  - c. if the employee exhausts his/her leave entitlement and does not return; or,
  - d. if the employee fails to make timely payment for his/her portion of the medical, dental or vision insurance contribution.

3. If an employee does not return to work after the period of FMLA leave expires, the employee may be required to reimburse the City for the City's share of the medical, dental and vision insurance contribution during any period of unpaid leave, unless the reason the employee does not return to work is the continuation, onset or recurrence of a serious health condition in the employee or covered family member or otherwise beyond the control of the employee.
4. An employee on FMLA leave may continue voluntary participation in short-term disability, supplemental life insurance, and similar employee benefit programs. In order to maintain such benefits, the employee is required to pay all contributions that would normally be deducted from his/her paycheck. Failure to make such contributions will result in the loss of benefit coverage. A payment which is more than thirty (30) days late is considered to be a failure to pay. Coverage will be reinstated upon the employee's request when the employee returns to work, without any qualifying or exclusionary period.

#### **Concurrent Use of Paid Leave**

1. FMLA leave is unpaid, but employees must concurrently utilize all accrued and unused time off while on FMLA leave.
2. If an employee exhausts his/her paid leave time, any remaining FMLA leave shall be unpaid.
3. FMLA leave, whether a part of an employee's up to twelve (12) week or, when applicable, up to twenty-six (26) week FMLA entitlement, will run concurrently with any leave taken under Workers' Compensation or other injury benefits program when the injury is one that meets the definition of a serious health condition.
4. An employee may be retroactively placed on FMLA leave after leave has begun if the reason for the leave is determined to be an FMLA qualifying event. Based on the information provided by the employee, the City will determine whether leave used by the employee shall be counted as FMLA leave and will immediately notify the employee. If leave is subsequently designated as FMLA leave by the City, the employee must comply with the requirements of this policy.

#### **Job Restoration after FMLA Leave**

1. The City will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions.
2. If the employee is unable to perform the essential functions of the position either with or without a reasonable accommodation because of a physical or mental condition, including continuation of the same condition for which the employee sought leave, the employee is not entitled to restoration to the same or another position under the FMLA.
3. Certain highly compensated key employees also may not be eligible for reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is an eligible salaried employee who is among the highest paid 10% of employees. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave, or upon determination that provision of reinstatement rights would cause a substantial and grievous economic injury to the City.

4. The City will not use the utilization of FMLA leave as a negative factor in any employment action or in assessing an employee's attendance.

### **Administration**

1. Contact the Human Resources Director to discuss the process and ensure any applicable requests for leave and forms are completed.
2. The Human Resources Director, in consultation with the City Attorney, as needed, is authorized to develop and implement processes and practices for the administration of FMLA Leave consistent with this policy. Such written processes and practices shall be approved by the City Administrator.

### **Prohibited Acts**

It shall be a violation of this policy for any City Official, Department Head, Supervisor, Officer, or employee to interfere with, restrain, or deny the exercise of any right provided by this policy and the FMLA or to discharge or discriminate against any individual for exercising his/her rights under or opposing any practice in violation of the FMLA.

### **VI-K: Military Leave**

The City provides military leave and reinstatement rights to eligible employees in compliance with the requirements of the Uniformed Services Employment and Re-employment Rights Act (USERRA) in recognition and support of employees' military service. An employee is eligible for unpaid military leave beginning the first day of employment with the City.

The City will provide a military leave of absence if an employee is absent in order to serve in the uniformed services of the United States for a period of up to five years (not including certain involuntary extensions of service). Employees who perform and return from service will retain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law.

Time off for military leave will not be counted against the employee's attendance record. It will be approved to include time spent while in training or on active duty and will extend through ninety (90) days after release from service in the regular armed forces; or three (3) days after release from compulsory basic, advanced, and/or officers' training. Military leave will not count as hours worked for the purposes of calculating overtime.

An employee called to active duty may use, at his or her discretion, accrued vacation, sick, personal leave, or compensatory hours for any scheduled time missed due to his or her call to active duty.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, benefits may be continued during a military leave of absence provided that the employee makes timely and proper payment of the premiums for said coverage. If an employee elects not to continue health and/or dental insurance and successfully completes military service, his/her coverage shall be effective immediately upon the employee's return to employment and with no restrictions, pre-existing condition limitations, or waiting periods.

## **VI-L: Parental Leave**

The City provides paid parental leave up to eight (8) weeks in a 24-month period to be paid at the employee's current rate of pay for all regular full-time employees who take leave for the birth or placement of a child for adoption or foster care and in connection with leave taken under FMLA. Spouses who are both employed by the City are jointly entitled to a combined leave of up to eight (8) weeks in the 24-month period. Paid parental leave taken for the birth or placement of a child for adoption or foster care must be taken within the 12 weeks immediately following the birth or placement.

## **VI-M: Personal Leave of Absence**

The City may provide an employee with a voluntary personal leave of absence when requested and when the absence is not covered by any other leave policy or the employee possesses no applicable leave, the absence is in the employee's or the City's best interest, and the leave will not unduly disrupt the City's business or operations. Personal leaves of absence are unpaid. While the City anticipates the employee to return to his or her position upon the conclusion of a personal leave of absence, the City cannot guarantee that a position will remain open or available.

The City Administrator may grant an employee a personal leave of absence in consultation with the Human Resources Director and the employee's Department Head or the Governing Body, for Department Heads. The City Administrator shall consider the length and purpose for the leave, the requirements of the ADA, the impact of the employee's absence on City or departmental operations and the provision of services, the employee's needs, the City's ability to cover the absence, and other facts and circumstances specific to the request. Every request for a personal leave of absence will be considered on an individual basis. No benefits will accrue during an unpaid personal leave of absence. Personal leaves of absence may be granted for a number of reasons including, but not limited to:

1. The employee is not eligible for or has exhausted FMLA leave, or the reason for leave is not qualifying event under the FMLA and the employee has exhausted other leave;
2. The request for leave is for a reason not covered by any other type of leave policy (for example, to settle the affairs of a decedent's estate, an extended grieving period, an educational or internship sabbatical for personal or professional development which may be in the City's indirect interest but not directly related to an employee's current position, leave to serve in a professional organization, etc.);
3. The request for leave is a reasonable accommodation under the ADA and the employee has exhausted all available paid leave, in which case the employee will be returned to his or her position unless he or she is unable to perform the essential functions of the position with or without a reasonable accommodation, the duration of the leave creates an undue hardship, or the employee's reinstatement would constitute an undue hardship; or,
4. The leave is not covered by any other leave policy or the employee possesses no applicable accrued leave.

## **VI-N: Educational Reimbursement**

The City provides an Education Reimbursement Program to encourage and assist employees in pursuing off-duty educational opportunities that are of mutual benefit to the employee and the City. The City values and encourages employees to pursue mutually beneficial educational and professional development opportunities. Regular, full-time employees with one or more years of service to the City may be reimbursed for approved, for-credit educational classes and related books. The amount reimbursed may vary depending on the certification &/or degree sought and is subject to budget availability.

This benefit is provided at the sole discretion of the City and is funded on an annual basis. Funding may be modified, suspended, or terminated at the sole discretion of the Governing Body. While employees must seek pre-authorization for educational reimbursement, reimbursement will be made only upon successful completion of the educational class or course.

The City's Education Reimbursement Program applies to job-related courses, courses that are part of a job-related degree program, courses that relate to a degree in or related to municipal employment, or relevant to promotion or advancement in employment with the City. The Education Reimbursement Program applies only to classes, courses, or degrees voluntarily sought by employees and not training required by the City for continued employment or certifications. All courses will be taken on the approved employee's personal time and may not interfere with regularly scheduled work hours. Voluntary educational pursuits, even if approved for reimbursement in whole or part, are not considered hours worked.

The Human Resources Director is responsible for administration of the City's Educational Reimbursement Program within the funding established by the Governing Body consistent with the provisions of this policy. The City ordinarily approves courses taken and will prioritize educational reimbursement requests for attendance at an accredited college, university or other institution recognized by the North Central Association Commission on Schools (NCA). Thereafter, reimbursement for approved educational courses, tuition, and eligible expenses will be allocated on a first-come, first-approved basis. See Human Resources for applicable forms, i.e., Educational Agreement and Request for Reimbursement, prior to registration as well as details on the procedures for pre-approval and conditions for reimbursement.

## **VI-O: Retirement Benefits**

The City assists employees in preparing for retirement through participation in the Kansas Public Employees Retirement System (KPERS) or the Kansas Police and Fire Retirement System (KP&F); by providing employees with the opportunity to voluntarily participate in a Section 457 deferred compensation plan, and by providing certain benefits to long-term employees who retire from the City through KPERS or KP&F.

### **KPERS and KP&F**

The City is a participating member in KPERS and KP&F, whose programs are administered under the authority of the State of Kansas. Employee participation in the KPERS or KP&F plans is mandatory. The State of Kansas is responsible for determining the amount or

percentage the City and employees will contribute to the plan. Employee contributions are based on gross salary and are deducted through payroll. Regular, full-time employees and regular, part-time employees consistently scheduled to work twenty (20) or more hours a week or who work more than 1000 hours in a calendar year shall be members of KPERS or KP&F and are subject to the state laws and regulations regarding membership. KPERS and KP&F are defined benefit plans providing employees with a guaranteed monthly retirement benefit determined by an employee's final average salary, years of service, and a statutory multiplier. In addition, KPERS and KP&F participation includes various basic life insurance coverage or death benefits, disability coverage, and additional optional group life coverage. Employees with specific questions regarding KPERS or KP&F benefits should contact KPERS directly at [www.kspers.gov](http://www.kspers.gov) or 1-888-275-5737.

### Section 457 Deferred Compensation Plan

The City also provides employees with access to a voluntary deferred compensation Section 457 retirement plan through KPERS. The KPERS 457 plan allows employees to save for retirement while lowering their taxable income. All full-time regular and part-time regular employees may elect to participate in the deferred compensation program and are eligible to participate from their first day of employment. The Section 457 Plan is entirely employee-funded.

### City of Spring Hill Retirement

1. The City will provide an employee with ten (10) or more years of service with the City of Spring Hill and who separates upon KPERS or KP&F retirement a payout of 50% of his or her accumulated and unused sick leave up to a maximum of 240 hours. Such payment will be based on the employee's rate of pay at time of retirement. If an employee does not meet the service requirements for the full payout, then the following table will be used to determine what percentage the employee will receive of the full payout.

Years of Service	Payout Percentage
6	25%
7	30%
8	35%
9	40%

2. The City will provide a lump sum payment to an employee who, at the time of retirement, is (a) age 65 or (b) age 60 (age 55 for Police Officers) with 10 years of service with the City of Spring Hill or (c) their age plus years of service with the City of Spring Hill equals 80. The employee

shall receive one lump sum payment based on the following formula: average hourly rate of pay for the last five (5) years of employment and given one (1) day pay based on this hourly rate for every year of service to the City.

- a. If an employee does not meet the age or age & service requirements for the full lump sum payment but is at least age 60 (age 55 for Police Officers) then the following table will be used to determine what percentage the employee will receive of the full amount based on the formula.

Years of Service	Lump Sum Payment Percentage
6	50%
7	60%
8	70%
9	80%

#### **VI-P: Employee Assistance Program (EAP)**

The City provides employees, all regular full-time and regular part-time, and their family members with a source for professional services for personal, behavioral, or medical problems that may adversely impact their job performance or personal lives. Employees are encouraged to seek assistance for these situations through the Employee Assistance Program (EAP) before they negatively affect their personal and work lives. The EAP is available to all employees and their dependent family members.

The EAP is confidential and permits employees and their covered family members to make direct contact with counselors and professionals for assistance. The EAP provider is required by law to maintain the privacy of an employee's protected health information and may only use and disclose such medical/health information as authorized or required by law or with the employee's written authorization.

Employees receiving help through the EAP remain responsible for performing their work at acceptable standards. Nothing in this policy constitutes a waiver of the City's right to take



corrective action or for compromising performance standards or work rules. Retaliation for seeking help from the EAP is prohibited.

Employee leave must be taken during work hours to attend counseling. Employees needing leave for extended treatment may request a leave of absence consistent with the City's leave policies.

### **Management Referrals**

If an employee displays continued performance or behavior difficulties or if the City identifies a reasonable and articulable concern about an employee's ability to safely and successfully perform the duties of his or her position, the City may require an employee to participate in an EAP program as a condition of his/her continued employment or to complete a fitness for duty evaluation. Mandatory referrals shall be made only if coaching, performance improvement, or corrective action have been unsuccessful, if a fitness for duty evaluation is reasonably necessary, or if the problem is of an emergency nature. Management referrals and initial fitness for duty evaluations do not require employee leave and will be considered time worked or administrative leave based upon the specific circumstances. A Department Head must contact the Human Resources Director if he or she believes that a mandatory referral to EAP is appropriate.

### **VI-Q: Work-Related Injuries and Workers' Compensation Benefits**

The City will comply with the Kansas Workers' Compensation Act or other applicable state laws regarding workers' compensation benefits in the event that an employee suffers a work-related illness or injury and provide compensation and medical benefits to eligible employees to meet the requirements of workers' compensation laws. Employees who suffer workplace injuries or illnesses that result in absence from work may be entitled to the payment of workers' compensation benefits. The City will also comply with all applicable state and federal workplace safety laws and regulations, posting requirements, and reporting obligations. The Kansas Workers' Compensation Act includes a seven consecutive calendar day waiting period before payment of workers' compensation payments begins. Upon initiation of workers' compensation benefit payments, a covered employee may utilize his or her accumulated sick or vacation leave or other qualifying paid leave to supplement workers' compensation benefits to bring the employee to his or her full pay rate on a pro rata basis.

### **Procedures for Reporting and Addressing Work-Related Injuries**

1. An employee shall immediately report all injuries incurred while on the job to his or her Supervisor, or if his or her Supervisor is unavailable to his or her Department Head or the Human Resources Director, regardless of the extent of the injury.
2. Supervisors or Department Heads will provide first aid treatment or direct or transport an injured employee to receive medical treatment, if required, at the City's designated treatment facility. Injured employees may also be taken to the closest emergency room or urgent care facility should the medical need warrant or the injury occurred outside the City's designated treatment facility's clinic hours.
3. The Supervisor or Director, Employee and any Witnesses will complete an injury report and forward the original report to the Human Resources Director before the end of the shift during which the on-the-job accident, injury or illness occurred unless extenuating circumstances prevent this. In this case, reports must be done within 24 hours.

4. After a job-related accident requiring care beyond minimal first aid, the City requires that the employee be released to return to duty by the City's designated treatment facility or designated provider before the employee will be allowed to return to work.
5. If needed, the authorized treating physician, the Human Resources Director, and the injured employee's department will actively seek to return the employee to modified duty consistent with the restrictions provided by the authorized physician. The employee's Supervisor or Department Head shall not require, nor shall the employee perform, duties that are beyond the physician's stated restrictions. Return to modified duty is temporary in nature until such time that the treating physician releases the employee to return to full duty or determines permanent work restrictions.
  - a. The City will attempt to find productive work for injured employees consistent with each employee's specific work restrictions as returning injured employees to work as soon as possible benefits both employees and the City.
  - b. The City may identify or assign alternative or modified work-duty tasks; matching a worker's impaired physical capability from an injury to these tasks can control costs, improve employee morale and productivity, and reduce the need for employee leave use. Light-duty assignments depend upon the City's business needs; availability of productive work; and are temporary in nature and shall expected not exceed 180 days.
  - c. Temporary, restricted duty work reassignment need not be confined to the department in which the employee is ordinarily employed.
6. An employee is required to inform the Human Resources Director of his or her physical condition, medical appointments, and anticipated date of return-to-work. Such notice may require the inclusion of supporting medical documentation.
7. A work-related injury that results in a serious health condition will be considered a Family Medical Leave (FMLA) event.

## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT AND RECEIPT**

I, \_\_\_\_\_ (employee), acknowledge receipt of the Employee Handbook for the City of Spring Hill, Kansas and that I am responsible for reading, understanding its contents and complying with its provisions. I understand that the Employee Handbook is intended only as a general reference guide and not a complete statement of the human resources policies.

I further understand that nothing in the Employee Handbook creates a promise or representation of continued employment and that my employment with the City is at-will, which may be terminated with or without cause or notice at any time by the City or me. I understand and acknowledge that this Employee Handbook does not create a contract with the City for any purpose and that the provisions of this Employee Handbook may be modified or eliminated at any time.

Additionally, I understand this handbook can be discussed with Human Resources, my Supervisor or Department Head at any time and it can be found on the City's "Y-Drive" as well as the website [www.springhillks.gov/105/Municipal-Code](http://www.springhillks.gov/105/Municipal-Code) in Chapter 1 - Administration at any time. I also acknowledge that I have been afforded an opportunity to have any questions answered for items that I may not understand.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**FAIR LABOR STANDARDS ACT (FLSA) POLICY ACKNOWLEDGEMENT AND RECEIPT**

I, \_\_\_\_\_ (employee), understand The City of Spring Hill, Kansas is committed to complying with the Fair Labor Standards Act (FLSA) as well as state and federal wage and hour laws. Therefore, the City is prohibited from making any improper deductions from the salaries of exempt employees. The City is also prohibited from not paying non-exempt employees overtime if overtime applies unless the employee requests overtime hours be calculated as compensatory time. If you believe that an improper deduction has been made from your salary or that you were not paid for overtime work performed, notify the Human Resources department immediately. All reports of improper deductions from wages or an overtime denial will be promptly investigated. In the event that it is determined that an improper deduction has occurred or an overtime pay error occurred, you will be promptly reimbursed. Violations of this policy may subject you to discipline, up to and including termination of employment. Please direct all questions concerning this policy to the Human Resources department.

By signing below, I acknowledge receipt of this FLSA policy. I have read and understand its contents. I understand that I am responsible for knowledge of all content of this policy and that failure to comply with this policy may result in disciplinary action, including the possibility of termination of employment. I understand that I have the right to file a complaint alleging an improper salary deduction or an overtime denial.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date