# PERSONNEL BOARD

**May 17, 2024**
**10:00 AM, IUC, Room 117, 17221 E. 23rd Street S., Independence, MO 64057**

To view a Council meeting agenda, visit https://independencemo.portal.civicclerk.com/ and select 'Most Recent Council Agenda'.

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF NEW MEMBERS**

**APPROVAL OF NOVEMBER 21, 2023 MEETING MINUTES**

1. 11.21.23 Meeting Minutes

**OLD BUSINESS**

1. Proposed Personnel Policy Revision: Article V: A, 2 - Adoption of Plan
2. Proposed Personnel Policy Revision: Article VI: B - Termination
3. Proposed Personnel Policy Revision: Article IV: C - Holidays
4. Proposed Personnel Policy Revision: Article III: D, 2, b - Extension of Probationary Period
5. Proposed Personnel Policy Revision: Article III: E, 1 - Employee Performance Appraisals, Frequency
6. Proposed Personnel Policy Revision: Article VIII: - Drug & Alcohol Policy

7. Proposed Personnel Policy Revision: Article III: G - Nepotism

**NEW BUSINESS**

1. Proposed Removal of Eliminated Item: Special Circumstances Leave Program Suspended January 1, 2012

**NEXT MEETING**

**ADJOURNMENT**

**INDEPENDENCE PERSONNEL BOARD**
**MEETING MINUTES**
**NOVEMBER 21, 2023**
**CITY HALL – CONFERENCE ROOM A**
**111 MAPLE STREET, INDEPENDENCE, MO 64050**

**Members Present**
Laura Dominik, Chair
Karl Blair
Kendra Brockman

**Members Absent**
None

**Staff Present**
Adam Norris, Deputy City Manager
Jaime Rehmsmeyer, Human Resources Director
Linsey Kolisch, Assistant City Counselor, Lauber Municipal Law, LLC

A meeting of the Personnel Board was held on Tuesday, November 21, 2023, commencing at 9:22 a.m., at Independence City Hall, Conference Room A.

**Call to Order**
The meeting was called to order at 9:22 a.m. by Laura Dominik, Chair.

**Roll Call**
Laura Dominik, Chair called roll.

Ms. Dominik announced that, effective last week, Mr. Ron Adams had resigned from the Personnel Board.

**Approval of the November 7, 2023 Personnel Board Meeting Minutes**
MOTION: Motion was made to approve the minutes of the November 7, 2023, meeting by Ms. Brockman. Ms. Dominik provided suggested changes to the minutes to Ms. Rehmsmeyer. Mr. Blair seconded the motion and it passed unanimously.

Ms. Dominik announced that due to Mr. Adams' resignation, there are now two vacancies on the Personnel Board. The Board will consider applications for the vacancies after the vacancies are announced at a Council study session.

MOTION: Motion was made by Ms. Dominik to take items on the agenda out of order, so the Board could take up the hearings first. Motion was seconded by Ms. Brockman and passed unanimously.

**New Business**
A hearing regarding proposed changes to the Personnel Policy Article V: B, 5 – Longevity Pay opened at 9:28. Members of the public did not wish to comment. The hearing closed at 9:28.

MOTION: Motion was made by Ms. Dominik to recommend to the City Council that the changes to the Personnel Policy Article V: B, 5 – Longevity Pay be approved. Motion was seconded by Ms. Brockman and passed unanimously.

A hearing regarding proposed changes to the Personnel Policy Article IX: Definitions of Terms opened at 9:29. Members of the public did not wish to comment. The hearing closed at 9:29.

MOTION: Motion was made by Ms. Dominik to recommend to the City Council that the changes to the Personnel Policy Article IX: Definitions of Terms be approved. Motion was seconded by Ms. Brockman and passed unanimously.

A hearing regarding proposed changes to the Personnel Policy Article IV: H – Bereavement Leave opened at 9:30. Members of the public did not wish to comment. The hearing closed at 9:30.

MOTION: Motion was made by Ms. Dominik to recommend to the City Council that the changes to the Personnel Policy Article IV: H – Bereavement Leave be approved. Motion was seconded by Ms. Brockman and passed unanimously.

A hearing regarding proposed changes to the Personnel Policy Article IV: L – Jury Duty Leave opened at 9:31. Members of the public did not wish to comment. The hearing closed at 9:31.

MOTION: Motion was made by Ms. Dominik to recommend to the City Council that the changes to the Personnel Policy Article IV: L – Jury Duty Leave be approved. Motion was seconded by Ms. Brockman and passed unanimously.

A hearing regarding proposed changes to the Personnel Policy Article IV: F, 6 – Sick Leave opened at 9:32. Members of the public did not wish to comment. The hearing closed at 9:32.

MOTION: Motion was made by Ms. Dominik to recommend to the City Council that the changes to the Personnel Policy Article IV: F, 6 – Sick Leave be approved. Motion was seconded by Ms. Brockman and passed unanimously.

**Old Business**

MOTION: Motion was made by Ms. Dominik to move forward with presenting the proposed changes to the Personnel Policy Article V: A, 2 – Adoption of Plan at a hearing. Motion was seconded by Ms. Brockman and passed unanimously.

Discussion was had regarding proposed changes to the Personnel Policy Article VI: B – Termination. Ms. Rehmsmeyer explained the proposed changes allow the HR Director to have three different options for any termination requests brought to them, based on documentation presented to the HR Director. Ms. Dominik suggested a slight reorganization of the options to provide clarity. Mr. Henry Carner spoke in favor of providing employees with appeal rights after termination. Ms. Rehmsmeyer explained that employees receive information regarding appeal rights when they receive a copy of the Personnel Policy and can obtain a copy after termination via Human Resources.

Ms. Rehmsmeyer explained that the suggested changes to the Personnel Policy Article VI: B – Termination regarding final payments are due to state regulations regarding final payments. Ms. Dominik recommended that the procedure is removed from the Personnel Policy and instead implemented in an administrative policy, which will be easier to update if further changes need to be made due to federal law. Discussion was had whether the administrative policy should be referenced in the Personnel Policy. Ms. Dominik suggested not including a reference to the administrative policy number, as it may also change in the future, and suggested that the Personnel Policy states that there is an administrative policy regarding final payments. Ms. Rehmsmeyer said that she would provide a modified version of the final payments section regarding the administrative policy.

MOTION: Motion was made by Ms. Dominik to move forward with presenting the proposed changes and the modifications made by Ms. Rehmsmeyer to the Personnel Policy Article VI: B – Termination at a hearing. Motion was seconded by Ms. Brockman and passed unanimously.

**New Business**

Discussion was had regarding changes to the Personnel Policy Article IV: C – Holidays. Mr. Norris explained that the proposed changes reflect some of the collective bargaining agreements with represented City employees. After the Independence School District went to four-day weeks, the City allowed flexible scheduling for employees to work 40-hour, four-day weeks. Flexibility will depend on department needs and operational necessities of the City.

MOTION: Motion was made by Ms. Dominik to move forward with presenting the proposed changes to the Personnel Policy Article IV: C – Holidays at a hearing. Motion was seconded by Ms. Brockman and passed unanimously.

MOTION: Motion was made to move forward with presenting the proposed changes to the Personnel Policy Article III: D, 2, B – Extension of Probationary Period at a hearing. Motion was seconded by Ms. Brockman and passed unanimously.

MOTION: Motion was made to move forward with presenting the proposed changes to the Personnel Policy Article III: E, 1 – Employee Performance Appraisals, Frequency at a hearing. Motion was seconded by Ms. Brockman and passed unanimously.

Discussion was had regarding the proposed changes to the Personnel Policy Article III: G – Nepotism. Ms. Dominik made suggestions that the definitions in this section be moved to the top and that the word "consanguinity" is removed in favor of the term "by blood." Suggestion was made to make modifications to the language regarding pre-approved practices for avoiding nepotism issues in emergencies.

MOTION: Ms. Dominik moved to table the proposed changes to the Personnel Policy Article III: G – Nepotism until the next meeting. Motion was seconded by Ms. Brockman and passed unanimously.

MOTION: Ms. Dominik moved to discuss the proposed changes to the Personnel Policy Article VIII: Drug & Alcohol Policy at the next meeting. Motion was seconded by Ms. Brockman and passed unanimously.

**Next Meeting**

Discussion was had regarding the next meeting date of the Personnel Board. Ms. Dominik suggested waiting to schedule the next meeting until the two vacancies on the Board have been filled. Meetings for interviewing candidates may be scheduled in the meantime.

**Adjournment**

MOTION: Ms. Dominik moved to adjourn the meeting at 11:00 a.m. Motion was seconded by Ms. Brockman and passed unanimously.

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article V: A, 2 - Adoption of Plan

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article VI: B - Termination

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article IV: C - Holidays

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** City Manager /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article III: D, 2, b - Extension of Probationary Period

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article III: E, 1 - Employee Performance Appraisals, Frequency

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article VIII: - Drug & Alcohol Policy

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
None

# City of Independence

AGENDA ITEM COVER SHEET

**Agenda Title:**
Proposed Personnel Policy Revision: Article III: G - Nepotism

**Recommendations:**

**Background:**

**Emergency Justification:**

**Fiscal Impact:**

**Council Action:**

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**Department / Contact** Human Resources /

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**REVIEWERS**
Jaime Rehmsmeyer

**ATTACHMENTS:**
1. Personnel Policies & Procedures Manual

**Style Definition:** TOC 1: Tab stops: 0.31", Left + 6.49", Right,Leader: ...

# PERSONNEL POLICIES & PROCEDURES MANUAL

**Updated & Approved by City Council 12/18/2023**

INDEPENDENCE
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## ARTICLE I. EMPLOYMENT, WORKPLACE AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES


**A.** **Purpose**

**B.** **Amendment and Adoption**

**C.** **Positions Covered**

**D.** **Administration**

**E.** **Department Rules and Regulations**

**F.** **Working Agreements**

**G.** **Non-Discrimination**

**H.** **Harassment**

**I.** **Complaint Procedure**

**J.** **Americans with Disabilities Act**

**K.** **Religious Accommodation Policy**

**L.** **Whistleblower**

**M.** **Anti-Retaliation**

**N.** **Break Time for Nursing Mothers**


## ARTICLE II. CLASSIFICATION

### A. The Classification Plan

1. Preparation: A Classification Plan, based upon and graded according to assigned work duties, responsibilities, and minimum qualifications shall be developed and maintained by the Human Resources Director to standardize and assign all positions in the Classified Service of the City to the proper classification.

2. Adoption: Positions within the classes as approved by the City Manager and adopted by the City Council shall constitute the Classification Plan for the City of Independence, Missouri.

3. Amendment: The Classification Plan may be amended in the same manner as prescribed for preparation and adoption of the plan.

4. New Positions: A new position must be evaluated and assigned to the proper classification in the Classification Plan in the manner prescribed for amendment of the Classification Plan. This shall be done before the position is filled.

### B. Classification of Positions

Positions in the Classified Service shall be assigned a class in accordance with the character,

difficulty and responsibility of designated duties, range of experience and education required.

**C. Class Specifications**

The Human Resources Director shall maintain a master set of all approved class specifications.

Class specifications as prepared by the Human Resources Director and approved by the City Manager shall constitute the official Classification Plan. Class specifications are not intended to contain a detailed analysis of all duties and responsibilities, but rather the types of duties and level of responsibility common to the class level and shall not be held to exclude others of similar kind or quality. Human Resources Director shall maintain and audit the Classification Plan.

Class specifications shall be open for inspection by employees during regular business hours.

**D. Reclassification of Positions**

Positions, the duties of which have been substantially modified to require a change in classification, shall be assigned to a more appropriate classification, whether new or already created, in the same manner as originally classified and allocated. Reclassification shall not preclude rules governing promotion or demotion.

The Human Resources Director shall periodically review and audit all positions to determine that permanently assigned job duties and responsibilities are described in the current class specification. If a discrepancy is revealed and a title change or other action is deemed appropriate, the Human Resources Director shall make recommendations to the City Manager for approval and action by the City Council.

Department Heads shall immediately report to the Human Resources Director any and all significant, permanent changes in the duties or responsibilities of positions in their departments.

Also, any specifications, as approved, may be subject to change predicated by City needs or Federal requirements.

Incumbents shall be notified of any changes made to their class specifications. Changes to class specifications shall not adversely impact any incumbents.

## ARTICLE III. RECRUITMENT, SELECTION, PROBATION AND PROMOTION

**A. General Requirements**

All recruitment, selection and promotion procedures of the City Independence, Missouri, shall comply with the City Charter, merit system standards and Federal, State, and local law governing employment practices.

**B. Recruitment**

1. Requisition: Recruitment shall be planned to assure open competition and shall be conducted by the Human Resources Department. When a vacancy in the Classified Service is to be filled, the recommending authority shall submit a Request for Personnel to the Human Resources Director. This requisition shall state the job title and other information as the Human Resources Director may require.

2. Posting: The Human Resources Director shall post notice of the vacancy in places where such notices would obtain public attention and attract qualified persons. The posting shall include the job title, essential functions of the position, the minimum qualifications for the position, andthe place for applying.

3. Application Forms: Applications for employment in the Classified Service must be processed through the Human Resources Department. Applications shall be made on forms prescribed by the Human Resources Director and shall be filed with the Human Resources Department. Applications shall be signed by the applicant to certify the truth of the statements contained therein.

The Human Resources Director may require proof of age, education, experience, and other claims as may be appropriate to the position for which the applicant applies. Applications for employment in the Classified Service must be processed through the Human Resources Department prior to any action by any recommending authority or by the appointing authority. No department will bypass the Human Resources Department, which by Section 3.25 of the Charter is responsible for the maintenance of the Merit System.

4. Disqualification: The Human Resources Director may disqualify any applicant whose application indicates the following:

a. The applicant is physically or mentally unable to perform the essential functions of the position;

b. The applicant has been convicted of a felony and has not received a pardon or cannot obtain a statement from a probation officer attesting rehabilitation and the conviction relates to the qualifications or requirements of the position;

c. The applicant has made any false statements or omissions of material fact on the application.

d. The applicant has failed to submit the applicationcorrectly;

e. The applicant does not possess the minimum qualifications for the position as indicated in the job description;

f. The applicant was a previous City employee who was dismissed forcause.

g. The applicant will be disqualified for an appointment which violates the nepotism policy (Article VI.G.). If a position vacancy occurs in a department where a job applicant has relative(s) by consanguineal or affinity relationship, the case shall be reviewed for possible conflicts with the Charter or Merit System by the Human Resources Director, and a recommendation made to the appointingauthority.

If an applicant is disqualified, the individual shall be given notice of the disqualification and the reasons for the disqualification. If any applicant feels he or she has been discriminated against in regards to race, ethnicity, religion, color, sex, age, or national origin, the applicant may appeal the disqualification to the Human Relations Commission within ten (10) working days after receipt of the disqualification notice.

In the event the applicant believes he or she was discriminated against due to a disability, the

applicant may file an appeal with the City's ADA Coordinator, within ten (10) working days after notification of disqualification.

**C. Selection**

Selection procedures used to determine the relative fitness and ability of applicants will be job related and maximize validity, reliability, and objectivity.

1. Application Evaluation: The Human Resources Director, or designee, shall review and evaluate all applications to ensure compliance with application guidelines as set forth in paragraph 3 of Section B above. The application evaluation will determine if the job applicant meets the minimum qualifications of the job. Applicants meeting the qualifications for the position will proceed through the selection process until the final eligible candidates are selected for review by the recommending authority.

2. Testing/Examinations: The Human Resources Director shall insure that all tests and examinations, including physical examinations (with or without drug screenings), given to applicants, whether assembled or unassembled, are job related, and open to all qualified applicants. All tests, examinations and evaluations shall be under the direction and control of the Human Resources Director. The Human Resources Director shall determine minimum passing scores for all tests and examinations. These scores shall be consistent, reasonable and shall not be established to exclude any applicant from competing for a position. The Human Resources Director will, in as far as possible, ensure that each qualified applicant has a minimum of three (3) working days' notice of the date, time, and place of all assembled examinations, or tests. The Human Resources Director will, in as far as possible insure that public safety employees will be given a two (2) week notice for all promotional examinations. The notice will state the date, time, and place of assembled examinations, or tests.

Employees will be allowed to take a make-up examination when applying for a promotional position if the employee is absent on approved leave during the time of the test and has received advanced authorization in writing from the Human Resources Director, or if the employee is unable to be relieved from duty due to an emergency as documented by the employee's Department Head.

Each qualified applicant taking a written examination shall be notified of his or her score.

Individual test scores shall be made available only to the applicant, the recommending authority, and the City Manager.

All written tests and examinations will be confidential, and the Human Resources Director shall take appropriate steps to ensure that tests and examinations are not compromised. If the Human Resources Director has knowledge or suspects any test or examination material has been compromised, he or she will immediately destroy that material and cease using the material for any selection procedure.

Special eligibility for candidates with disabilities: In some instances, established testing procedures may not be appropriate for candidates with disabilities. The eligibility of these candidates shall be determined by scored procedures which best measure the candidates'

ability to perform the essential functions of the position. Reasonable accommodation for testing will be considered when requested by the applicant forty-eight (48) hours before the scheduled test.

3. Eligibility Lists: The Human Resources Director may create an eligibility list of all candidates who have successfully passed all tests, examinations, or evaluations. Candidates' names will be placed on this list from first to last according to total score with the highest scoring candidate first. When more than one test, examination or evaluation is used, the Human Resources Director will assign a weight to each testing/evaluation procedure. Weights to a particular test, examination, or evaluation, will be based on the relative importance of each skill related to the essential functions of the position and will not be assigned to exclude or give advantage to an applicant or candidate. In case of a tied total score, the names of the candidates with tied scores will be placed on the list in the order of the score received on that part of the selection procedure assigned the highest weight.

If no assembled test is given, the Human Resources Director shall evaluate candidates according to related experience, work history, and education.

After the eligibility list has been established, the Human Resources Director shall certify the list. This certification shall insure that all candidates on the list meet minimum qualifications for the position; that all candidates are evaluated by their ability to perform the essential functions of the position; and that the list was established in accordance with the requirements of the Merit System, these policies and procedures, and the Charter.

Each eligibility list shall become effective on the date certified by the Human Resources Director and shall remain in effect for a period of up to one (1) year from the date of certification. The duration of a certified eligibility list may be extended once, for a period not to exceed six (6) months, by the Human Resources Director.

The Human Resources Director may remove the name of any candidate from an eligibility list:

a. If it is discovered that the eligible candidate was subject to disqualification as an applicant;

b. If an eligible candidate requests that his/her name be removed;

c. If an eligible candidate cannot be contacted or fails to respond to a request from the recommending authority for an employment interview. Eligible candidates must notify the Human Resources Department, in writing, of any change of address; or

d. If an eligible candidate, following appointment to a position in the municipal service, fails to report to work as scheduled, it will be considered that the candidate has refused the appointment.

A candidate who has been removed from an eligibility list for failing to appear for an employment interview may request the Human Resources Director, in writing, to restore his/her name to the list. The request must be made within ninety (90) days from the date of removal and must show good cause for failing to appear.

The Human Resources Director may evaluate only the top candidates if the recruitment is for a specific position and no eligibility list will be maintained. Only the candidates whose resume/application reflects the highest level of related education and experience will be ranked.

4. Appointments in the Classified and Unclassified Service: All appointments to the Classified or Unclassified Service shall be defined by Section 3.30 of the Charter.

a. Regular Full-time

1) The Human Resources Director shall furnish the Department Head with the names of at least the top three (3) candidates for each vacancy, if available.

2) After receiving the candidate applications, the Department Head or designate shall conduct an employment interview with all candidates. The Department Head can then make a recommendation for hire to the Human Resources Director, from the candidates interviewed or reject the list of candidates. Additional candidates will be referred, if requested and available.

3) Upon review of the Department Head's recommendation, the Human Resources Director shall forward the recommendation to the City Manager.

4) The City Manager, being the sole appointing authority in the City for the Classified Service, may approve or disapprove the Department Head's recommendation. No offer of employment in the Classified Service can be made until approved by the City Manager. If not approved, the City Manager may request additional recommendations.

b. Regular Part-time Appointments - Appointments to regular part-time positions in the Classified Service shall follow the same procedure set forth for regular full-time positions.

c. Public Safety Appointments - Candidates appointed to public safety positions shall meet all of the requirements of these Personnel Policies and Procedures, and the requirements of applicable City, State and Federal laws.

d. Temporary Appointments

1) Temporary appointments need not follow the formal selection procedures established for regular positions; however, the Human Resources Director shall furnish the Department Head with an adequate number of qualified applicants from which to make a selection. The Department Head shall then make recommendations to the City Manager for approval. The City Manager may then approve or disapprove the Department Head's recommendation. Temporary appointments may be budgeted for particular projects or to perform the duties of a position where the regular employee is on extended leave.

2) If a position in this category becomes regular, the procedure, as provided for in this Article, for filling a position will be followed. The incumbent may apply for the regular position; however, such appointment will not be automatic.

3) Temporary appointments shall only be made under the direction of the City Manager for the good of the service.

4) Credit shall be allowed for service as a temporary appointment toward meeting the requirement of a regular appointment. Uninterrupted service between a temporary appointment and a regular appointment shall be credited toward benefits. Temporary appointment service shall not apply to a probationary period.

5) A temporary appointment shall not exceed six (6) months and may end at any time. A temporary appointment can be renewed after the initial six months upon recommendation of the Department Head. The employee shall be given as much prior notification regarding their end of assignment, as is practicable.

5. Emergency Appointments: To meet the immediate requirements of an emergency which threatens public safety or property, a City officer or employee may appoint persons needed for the duration of the emergency, without regard to the Charter or these Personnel Policies and Procedures. The employee engaging the person or persons, shall, in writing, notify the City Manager and the Human Resources Director of the emergency appointments as soon as possible.

6. Acting Capacity Appointments: The City Manager shall have the authority to make an acting capacity appointment for a period not to exceed six (6) months. Appointments shall be made from qualified individuals who are familiar with the work of the department in which the acting capacity appointment is to be made. Appointments may occur in either the Classified or Unclassified Service.

7. Out-of-Position Appointments: An appointment of an employee to a position at a higher salary rate in the classified or unclassified service can be made during an extended absence of the incumbent. This appointment is recommended by the Department Head and approved by the Human Resources Director and City Manager. An out-of-position appointment may range from five days to six weeks. After six weeks the appointment shall be reviewed for continuation based on the needs of the service.

## D. Probation

The probationary period is a working test during which an employee, appointed or promoted, demonstrates his or her ability to meet the required standards of the position to which he or she has been appointed or promoted. All classified employees appointed or promoted to regular full-time or regular part-time positions shall serve a probationary period.

1. Duration:

a. General Service Employees - The probationary period for employees in the Classified Service, whether originally appointed or promoted, shall be for six (6) months. If a general service employee on probation is transferred during his or her initial probationary period, he or she shall serve six (6) months' probation for that position beginning with the effective date of the transfer.

b. Public Safety Employees -

1) The probationary period for newly appointed Fire Fighters will be a minimum of twelve (12) months

2) The probationary period for newly appointed police officers will be one calendar year from date of commission.

3) The probationary period for newly promoted commissioned officers will be one calendar year from the date of appointment.

2. Extension of the Probationary Period:

a. A Department Head may recommend an extension of the probationary period up to an additional six months, if he or she feels the employee is capable of meeting the performance standards within a specified time. The recommendation shall be reviewed by the Human Resources Director and approved by the City Manager. A performance ~~appraisal and action plan for~~ improvement plan must include the recommendation to extend the probationary period.

~~b. If the probationary employee is absent more than thirty (30) calendar days during the probationary period, this time shall not be considered toward completion of the probationary period. The probationary period shall be extended for the same period of the absence to allow for a full six-month performance evaluation.~~

**Commented [JR1]:** Excessive absenteeism should be considered during a probationary period and should not constitute an extension. If extenuating circumstances arise, the department can ask for an extension as outlined in subsection D:1(a).

3. Probationary Performance Appraisals:

a. General Service Employees - Two performance appraisals shall be submitted during the probationary period: one at the end of the third (3rd) month, and one at the completion of the six (6) months probationary period.

b. Public Safety Employees - Three (3) performance appraisals shall be submitted during the initial probationary period; the first at the end of six (6) months' employment; the second at the end of nine (9) months' employment; and the third two weeks prior to completion of the twelve (12) months' period. Performance appraisals for promoted Public Safety employees shall be the same as for general service employees.

4. Regular Status: Only upon recommendation of the Department Head and the Human Resources Director, with the approval of the City Manager, shall an employee be granted regular status in the City service. Regular status will not be granted until the employee has successfully completed the probationary period as reflected by the performance appraisal report.

5. Release During Initial Probationary Period: At any time prior to granting regular status, an initial probationary employee may be separated from employment with or without cause. Such action cannot be appealed or grieved, except if the employee feels that the separation is due to discrimination as defined in Article II.G.2.

6. Promotional Probation: Upon successful completion of the required probationary period following a promotion, the employee shall be granted regular status. Regular status shall be approved only after the Human Resources Department has received a performance

appraisal report. If during the required probationary period the employee shows an inadequate performance and subsequent lack of improvement, the Department Head may serve written notice that he or she intends to deny regular status. Upon the recommendation of the Human Resources Director and the approval of the City Manager, the denial shall become effective on the date recommended by the Department Head. The employee shall be notified as soon as practicable. The employee shall have the right to grieve the matter in accordance with Article VIII.

An employee who fails to qualify for regular appointment during a promotional probationary period, or who voluntarily decides not to promote, shall be reinstated to the position from which the employee was promoted. Reinstatement will be made only if the probationary employee is not discharged for cause in the manner prescribed in these Personnel Policies and Procedures. If the position has been filled, he or she shall be put at the top of the eligibility list for that class. If there are no vacancies in that class, the employee may be moved to layoff status.

## E. Employee Performance Appraisals

Performance appraisals shall serve the dual purpose of providing feedback to employees regarding their performance and ensuring that all employees meet acceptable levels of performance. The annual appraisal of regular employees shall consider individual ability and competence, acknowledge the employee's accomplishments, and designate areas for improvement.

1. Frequency: Performance appraisals shall be scheduled in the following manner unless specifically provided for otherwise:

| Employment Duration | Employment Status |
|---|---|
| 3 months | ~~Probationary~~General Service Probationary<br>Public Service Probationary<br>General Service Promotional<br>Public Service Promotional~~New/Probationary~~ |
| 6 months | General Service Probationary<br>Public Service Probationary<br>General Service Promotional<br>Public Service Promotional~~Promotional/Probationary~~ |
| 9 months | Public Service Probationary<br>Public Service Promotional |
| 1 year | Public Service Probationary<br>Public Service Promotional |
| Each 12 months thereafter | Regular |

2. Procedures:

   a. The performance appraisal shall be completed on standard performance appraisal forms provided by the Human Resources Department. The employee's supervisor

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shall be responsible for administering this appraisal which shall be signed by the Department Head.

b. The employee shall sign the original to acknowledge that the performance appraisal was discussed with the employee. The employee shall receive a copy of the performance appraisal and the original shall be sent to the Human Resources Department and be maintained in their personnel file.

c. The supervisor shall discuss progress or work areas needing improvement, personal development and achievements with the employee. Any disagreement may be recorded, in writing, to be filed at the same time in the personnel file and shall be retained with the performance appraisal.

d. Pay increases, if authorized, shall be effective on the employee's annual review date and shown on the properly executed action form. To insure pay increases are handled timely performance appraisals shall be completed ten (10) business days prior to the employee's anniversary date. Performance increases will not be authorized without an approved performance appraisal report.

e. Pay increases will be recommended by the Department Head based upon performance.

The City Manager and Human Resources Director must authorize all pay increases.

3. Appeal of the Performance Appraisal: The employee may appeal the performance appraisal to the Department Head, or in the case where the Department Head is the immediate supervisor, the employee may appeal the performance appraisal to the City Manager. This will be the only remedy available to the employee.

## F. Promotions

Procedures for selecting candidates for promotion in the classified service shall be identical to the procedures for selection as stated in Section C of this Article.

If an eligibility list for a position includes both City and non-city applicants, preference shall be given to qualified City employees who have applied. This is to promote upward mobility in the classified service.

## G. Nepotism

1. Nepotism in Hiring Decisions: All hiring decisions shall comply with Section 5.11, Nepotism, of the City of Independence Charter.

~~a.~~ The City discourages nepotism by prohibiting~~:~~

~~1)~~ any City official or employee from participating in the hiring of a relative~~;~~ ~~and~~

~~2) an employee from working under the supervision of a relative~~.

2. Definitions: Unless the context specifically indicate otherwise, the following terms as used in this Article are defined as follows:

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**Affinity** relationship, especially by marriage as opposed to blood ties.

**By Blood** – Parent, child, grandparent, grandchild, brother, sister, cousin, niece, nephew, uncle, aunt, great-grandchild, and great-grandparent.

**By Law** – Guardianship relationships and adoptive parent/child relationships.

**By Marriage** – Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half-sister, and half-brother.

**Consanguinity** refers to the blood relationship between people from some common ancestor.

**Personal Relationship** – Romantic relationship between employees who date, cohabitate, or who engage in sexual activity with one another.

**Relative** any person associated by affinity or consanguinity.

**TABLE OF CONSANGUINITY AND AFFINITY**

| 1st Degree | 2nd Degree | 3rd Degree | 4th Degree |
|---|---|---|---|
| Parents | Grandparents | Great Grandparents | Great-Great Grandparents |
| Children | Brothers/Sisters | Uncles/Aunts | Great Uncles/Aunts |
| | Grandchildren | Nephews/Nieces | Grand Nephews/Nieces |
| | | Great-Grandchildren | Great-Great Grandchildren |
| | | | First Cousins |

~~2.~~3. Supervision by Relatives: No employee shall be employed, promoted, transferred, or reinstated in or to any position and shift where the employee will supervise directly or be supervised directly by any relative, which includes an employee being subordinate to a relative in the applicable organizational chart or chain of command. In an emergency situation, where a relative of an employee must supervise another relative directly, every opportunity to relieve the supervisor and/or subordinate will be exhausted; if this is not possible, then any decisions resulting from that situation will be subject to an investigation through pre-approved practices within Department policy.

~~3.~~4. Marriage: Upon marriage, where a situation of nepotism is created under ~~s~~Section ~~2~~3 above, the employee with the least seniority with the City will be terminated unless other ~~solutions~~ arrangements are made within thirty (30) days of appointment of the senior



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employee that meets the standards of the City's Nepotism Policy as outlined below. ~~s~~Should more time be required to make said arrangements, the transitioning employee can make a formal request in writing to the Human Resources Director. ~~For purposes of this paragraph 3 only, "relative" means any person related by affinity or consanguinity within the second degree. Other methods for resolution may include~~:

a. The employee with the most seniority submits ~~his or her~~their resignation;

b. One of the effected employees is qualified, and willing to accept placement in another department or area, and such placement would eliminate the violation of ~~paragraph 3, above~~the Nepotism Policy. A vacancy must exist, and the employee successfully competes for the vacant position within the limits of the City's merit system; or

c. The employee voluntarily resigns. ~~City administration will make every effort to avoid termination in these circumstances and will work with the impacted employee to arrange for alternative employment within their current department while abiding by this nepotism policy as the situation allows~~.

City administration will make every effort to avoid termination in these circumstances and will work with the impacted employee to arrange for alternative employment within their current department while abiding by this nepotism policy as the situation allows

~~e.~~ 5. Elected Officials: No person shall commence employment in any position within the City who is a relative of a current elected official of the City of Independence.

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~~TABLE OF CONSANGUINITY AND AFFINITY~~

~~4~~
~~Great-~~
~~Great~~
~~3 Grandpare~~
~~nts Great-~~
~~Grand-~~
~~parents~~
~~2~~
~~Grandparents 4~~
~~Great Uncles/~~
~~1* Aunts~~
~~Parents 3~~
~~Mayor, Councilmembers, Uncles/Aunts~~
~~Spouse of City Manager or~~
~~identified Board member, Employee 2 4~~
~~party or Agency with power to appoint or elect.~~
~~Brothers/ Sisters~~
~~First Cousins~~

~~1 3~~
~~Children Nephews/ Nieces~~
~~2~~
~~Grandchildren 4~~
~~Grand Nephews/~~
~~3 Nieces~~
~~Great-~~
~~Grand~~
~~–~~
~~childr~~
~~en~~
~~4~~
~~Great-Great~~
~~Grandchildren~~

~~*Each number refers to the degree of relationship~~

~~NOTE: The degree of relationship of consanguineal relatives of one's spouse is the same for relationships by affinity. The spouse is related by affinity to the other's relatives in same way that that spouse is related to them by blood. The above chart demonstrates relations to the fourth degree. This includes relationships created by blood line (consanguinity) and relationships created by marriage (affinity).~~

~~4. Effective Date: The provisions of this section shall not be retroactive and shall not apply to any employment, promotion, transfer, or reinstatement which occurred prior to May 6, 1991. This section applies to all employees~~.

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## H. Continuing Professional and Technical Education Requirements

1. General:

   a. Continuing education is required for designated professional, administrative, management, supervisory and technical employees. The continuing education program is designed to increase the professional and technical competence of City employees. Unclassified administrative personnel must complete fifteen (15) contact hours of continuing education each calendar year. Managers and administrative personnel must complete ten (10) contact hours of continuing education each calendar year. Employees classified as technical- supervisory must complete five (5) contact hours of continuing education each calendar year.

   Employee shall report continuing education hours annually to the Human Resources Department. Failure to meet the continuing education requirements will, unless the requirement is waived, be cause for the effected employee to be placed on service probation and be an evaluation criterion utilized in the employee's annual performance appraisal. Not meeting the continuing education requirements may lead to the demotion or termination of the effected employee.

   Specific criteria for compliance with this provision is available in the Human Resources Department. The Human Resources Department shall monitor

compliance.

2. Basic Requirements:

   a. For those new employees to the City the reporting period and the continuing education requirements will begin the calendar year following their successful completion of an applicable probation.

   b. Any employee who has not completed the required number of hours during a calendar year will be allowed the next two months to make up the deficiency. Hours credited toward a deficiency during this two-month period may not be counted toward the annual minimum requirement of the calendar year in which they are taken.

## ARTICLE IV. HOURS OF WORK AND LEAVE

### A. Hours of Work

Regular hours of work for full-time employees, unless otherwise specified, shall be forty (40) hours per week. Work schedules for employees shall be established by the Department Head, subject to approval by the City Manager. Employees shall be entitled to a fifteen (15) minute break during each one-half shift of four (4) hours or more. Employees may not accumulate break time one day to the next. Compensatory time will not be granted if an employee does not take their break.

### B. Attendance

Department Heads shall keep daily employee attendance records. These records shall be reported in accordance with procedures established by the Finance Director.

### C. Holidays

1. General Provisions: The following days are designated as legal holidays by City Council. ~~When a designated holiday falls on Sunday, the following Monday will be observed as the holiday; when a holiday falls on Saturday, the preceding Friday will be observed as the holiday. Employees required to work in excess of eight hours per day will be granted holiday pay equal to the number of hours required to work. An employee who voluntarily works a flexible schedule with hours exceeding eight hours per day will be granted a maximum of ninety-six hours annually or eight hours per holiday. Such employee may supplement their days off using accrued vacation leave, personal business, or compensatory time.~~

| | |
|---|---|
| New Year's Day | Labor Day |
| President's Day – Floating Holiday | Veteran's Day |
| Martin Luther King, Jr. Birthday | Thanksgiving Day |
| Truman's Birthday | Day after Thanksgiving Day |
| Memorial Day | Christmas Eve |

Juneteenth Christmas Day

Independence Day

**President's Day is observed as a floating holiday and the City will not be closed on President's Day. Each Department Head shall schedule the floating holiday for all employees of the department, respecting the wishes of each employee so far as the employee's wishes are compatible with the needs of the service.*

When a designated holiday falls on Sunday, the following Monday will be observed as the holiday; when a holiday falls on Saturday, the preceding Friday will be observed as the holiday.

Full-time employees shall receive eight (8) hours of pay at their straight-time rate for each holiday regardless of their regular work schedule. Any employee who does not receive forty (40) hours of straight time pay in a holiday week due to only receiving eight (8) hours holiday pay shall have the option to make up hours worked during that pay period or use accrued leave benefit hours if they so choose to cover any additional hours of not covered by holiday pay.

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2. Regular Part-time Employees: Regular part-time employees will receive holiday pay on a proportional basis. The base is the number of regularly scheduled work hours per pay period divided by 80.

3. Temporary Employees: Temporary employees will not be paid for holidays not worked.

4. Employees Required to ~~w~~Work on Holidays: Employees required to work on a holiday shall be paid eight (8) hours holiday pay at their straight time rate. In addition, all hours worked on a holiday by an employee will be paid at one and one-half (1.5) times the straight time rate.~~Regular non-exempt employees required to work on an observed holiday will be compensated at the overtime rate or receive compensatory time for hours worked, plus receive straight time for the holiday. Employees required to work on a holiday shall be paid eight (8) hours holiday pay at their straight time rate. In addition, all hours worked on a holiday by an employee will be paid at one and one-half (1.5) times the straight time rate.~~

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## D. Time Off by Proclamation

When time off is given by a proclamation or authorized by the City Manager for whatever reason, it will be coded as administrative leave for time-keeping purposes. Those hours will not be designated as hours worked for overtime purposes. An employee required to work during designated hours will be allowed compensatory time off equal to the hours authorized by the proclamation. Compensatory time granted will be taken at a time acceptable to both the employee and Department Head.

## E. Vacation Leave

A regular employee shall earn vacation leave credit for time actually worked, including the initial probationary period.

1. Schedule of Vacation Accrual

a. A full-time employee will earn vacation leave credit in accordance with the following schedule:

| | |
|---|---|
| Less than sixty (60) months | 80 hours/year |
| Sixty (60) to one hundred twenty (120) months | 120 hours/year |
| One hundred twenty (120 months to one hundred eighty (180) months | 160 hours/year |
| One hundred eighty (180) months and over | 200 hours/year |

b. A part-time employee will earn vacation leave credit based on the ratio of the employee's expected scheduled work hours per pay period divided by eighty (80).

c. Temporary employees are not eligible for vacation leave benefits.

d. An employee appointed to the service on or prior to the fifteenth (15th) day of the month shall receive leave credit as of the first (1st) day of the month. An employee appointed after the fifteenth (15th) day of the month shall receive leave credit as of the first (1st) day of the following month.

2. Accumulation of Vacation Leave:

a. An employee may accumulate vacation leave credit up to a maximum of four hundred (400) hours.

b. In addition to 2(a) above, an employee may continue to earn and credit an amount equal to the employee's annual accrual of vacation leave credit. This vacation leave is not "authorized accumulated vacation leave" and is permitted solely to allow the employee and their supervisors to schedule vacations throughout the year without loss to the employee of vacation leave credit prior to their scheduled vacation leave dates.

c. No vacation leave accrual in excess of the amounts prescribed in sections 2(a) and 2(b) above will be allowed.

3. Vacation Scheduling:

a. Each Department Head shall schedule vacation leave for all employees of the department, respecting the wishes of each employee so far as the employee's wishes are compatible with the needs of the service. Vacation leave may not be taken by an employee until the employee has worked six (6) months.

b. An employee shall not be charged with leave for an observed holiday occurring during the employee's scheduled vacation.

4. Effect of Retirement or Separation:

a. A regular full-time or part-time employee who retires or separates for any reason will be compensated for accrued vacation leave up to a maximum of four hundred (400) hours.

b. An employee separated during the initial probationary period will not be compensated

for vacation leave accrual.

**F. Sick Leave**

1. Accrual of Sick Leave Credit:

   a. A full-time employee will earn sick leave credit at the rate of eight (8) hours for each calendar month employed.

   b. A part-time employee will earn sick leave credit each month in proportion to the expected scheduled work hours per pay period divided by eighty (80).

   c. Temporary employees are not eligible for sick leave benefits.

2. Calculation of Sick Leave Credit: Employees appointed on or prior to the fifteenth (15th) day of the month receive leave credit beginning on the first (1st) day of that month. Employees appointed subsequent to the fifteenth (15th) day of the month receive leave credit beginning on the first (1st) day of the succeeding month.

3. Use of Sick Leave Credit: Sick leave credit is accrued during an employee's initial probationary period; however, the employee will not be paid for sick leave during this period. Accrued sick leave may be authorized by the director of the employee's department after successful completion of the initial probationary period due to personal or family illness or any situation which may be authorized by the Family and Medical Leave Act (FMLA).

4. Reporting and Investigation:

   a. If an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her supervisor in accordance with department procedures. If the employee fails to notify his or her supervisor or Department Head, no leave shall be approved, except in unusual circumstances, to be determined by the Department Head. Notification must be made daily unless another arrangement is acceptable to the Department Head.

   b. Verifying use of sick leave: The Department Head may verify the alleged illness of an employee absent on sick leave, when the director has reason to believe the use of sick leave is inappropriate. False or fraudulent use of sick leave shall be cause for disciplinary action and may result in dismissal.

   c. Medical Statement: An employee who is absent on sick leave because of his or her own illness or that of a member of the employee's family may, at the Department Head's request, be required to furnish a statement signed by an attending physician, or other proof of illness satisfactory to the Department Head, when the director has reason to believe the use of sick leave is inappropriate.

5. Sick Leave During Vacation: Regular employees may use accumulated sick leave for illness or injury occurring while on authorized vacation leave, provided use of sick leave credit would have been granted if the employee were not on vacation leave. The employee must contact his or her immediate supervisor, at the time when sick leave is being requested. If the request exceeds one day, the supervisor may require an attending

physician's statement certifying that the employee was incapacitated to a degree which would have prohibited performance of normal duties.

6. Effect of Retirement or Separation: A regular employee hired before December 31, 2023 who separates from the City for any reason shall be compensated for all accumulated sick leave credit up to a maximum of 1,040 hours for employees who earn eight (8) hours sick leave per month (1,560 hours for employees who earn 12 hours sick leave per month) at the employee's rate of pay at the time of separation. An employee may elect to take this payment in a lump sum on their final paycheck or payment can be made at the equivalent of forty (40) hours per week, via bi-weekly installments until the amount of accumulated sick leave is exhausted or for a maximum of thirteen (13) pay periods. Any employee hired after December 31, 2023 will not be eligible for sick leave payout.

7. Effect of Long-Term Disability: If an employee being compensated by paid leave is receiving long term disability compensation, the employee's base pay will be adjusted by the amount of the long-term disability received.

## G. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) provides eligible employees the opportunity to take unpaid job-protected leave for certain specific reasons. An employee on FMLA leave may choose to use accrued paid leave to run concurrently during the FMLA leave, and the City may require the employee to substitute accrued paid leave during FMLA leave (as is specified in section 6 of this policy). The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave.

1. Definitions: A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either 1) an overnight stay in a medical care facility; 2) a period of incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; 3) an Incapacity caused by pregnancy or prenatal visits; 4) a chronic condition; 5) a permanent or long-term condition; or 6) multiple treatments.

A "covered servicemember" is a member or veteran of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The term "serious injury or illness" means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumed veteran status.

"Qualifying exigencies" include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

2. Employee Eligibility: To be eligible for FMLA leave, an employee must:

a. Have worked at least 12 months in the preceding seven years; and

b. Have worked at least 1,250 hours during the preceding 12 months.

3. Conditions Triggering Leave: FMLA leave may be taken for the following reasons:

a. Birth of a child, or to care for a newly born child (up to 12 weeks);

b. Placement of a child with an employee for adoption or foster care (up to 12 weeks);

c. To care for an immediate family member (employee's spouse, child or parent) with a serious health condition (up to 12 weeks);

d. Because of an employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks);

e. To care for a covered servicemember with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details);

f. To handle certain qualifying exigencies arising out of the fact that an employee's spouse, son, daughter or parent is on duty under a call or order to active duty in the Uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a covered servicemember, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

A husband and wife who are eligible for FMLA leave and are both employed by the City will be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

4. Identifying the 12-Month Period: The 12-month period in which 12 weeks of leave may be taken is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. For leave to care for a covered servicemember, the 12-month period begins on the first day an eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

5. Using Leave: Eligible employees may take FMLA leave in a single block of time, continuous or intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of an employee or immediate family member, or in the case of a covered servicemember, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. An employee may take intermittent leave for up to 12 weeks

following the birth or placement of a child for adoption or foster care, but after the first 12 weeks, remaining FMLA time must be taken consecutively. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the City's operations.

6. Use of Accrued Paid Leave: Depending on the purpose an employee's leave request, an employee may choose to use accrued paid leave (such as sick leave, vacation, and personal business days) concurrently with some or all of an employee's FMLA leave. An employee will be required to use up to one-half (1/2) of his or her accrued sick leave and vacation leave to cover part of the time he or she is on family or medical leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the City's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

7. Maintenance of Health Benefits: If an employee participates in our group health plan, the City will maintain coverage during FMLA leave on the same terms as if the employee had continued to work. If applicable, an employee must make arrangements to pay his/her share of health plan premiums while on leave.

In some instances, the City may recover premiums it paid to maintain health coverage or other benefits for an employee. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your leave. Sick leave, vacation and personal business leave shall not accrue during any period of family or medical leave in which such leave is without pay.

8. Notice and Medical Certification: When seeking FMLA leave, an employee is required to provide:

a. Sufficient information for the City to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

   Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. An employee must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

b. If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances.

c. Medical certification supporting the need for leave due to a serious health condition affecting an employee or an immediate family member within 15 calendar days of the City's request to provide the certification (additional time may be permitted in some circumstances). If an employee fails to do so, the City may delay the commencement of leave, withdraw any designation of FMLA leave or deny the

leave, in which case leave of absence would be treated in accordance with leave of absence and attendance policies, subjecting the employee to discipline up to and including discharge. Second or third medical opinions and periodic re- certifications may also be required;

d. Periodic reports as deemed appropriate during the leave regarding an employee's status and intent to return to work; and

e. Medical certification of fitness for duty before returning to work if the leave was due to the employee's serious health condition. The City will require this certification to address whether an employee can perform the essential functions of his/her position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including discharge.

9. Employer Responsibilities: The City will inform an employee when the employee is eligible under the FMLA. Should an employee be eligible for FMLA leave, the City will provide the employee with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If an employee is not eligible, the City will provide the reason for the ineligibility. The City will also inform an employee if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against an employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify an employee.

10. Job Restoration: Upon returning from FMLA leave, an eligible employee is entitled to be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

11. Restricted or Reduced Work Schedule: If an employee is able to return to work with restrictions or working a reduced schedule, the City shall attempt to reasonably accommodate the employee. Time not worked due to a reduced schedule may be counted as family or medical leave in accordance with the act.

12. Exemption for Key Employees: Certain key employees may not be returned to their former or equivalent position following a leave if doing so would cause substantial economic injury to the City. Key employees are salaried and among the highest paid 10 percent of all employees at a worksite or within 75 miles of that worksite. The City will notify an employee if they qualify as a key employee, and if the City intends to deny reinstatement and the key employee's rights in such instances.

13. Failure to Return after FMLA Leave: An employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week entitlement), must request a Leave of Absence Without Pay or a Leave of Absence with Pay. Failure to request additional leave time may result in termination.

14. Extending Leave Beyond Twelve Weeks/Leave of Absence With or Without Pay: If an employee has paid leave after exhausting the twelve weeks authorized by FMLA, a

Leave of Absence With Pay may be approved by the Department Head. An Employee must request an extension, in writing within three (3) workdays after exhausting FMLA leave. The request must include a date by which the employee expects to return to work.

If an employee does not have paid leave after exhausting the twelve weeks authorized by FMLA, he/she must request a Leave of Absence Without Pay in accordance with Section J (Leave of Absence Without Pay) of this Article.

15. Fraud: Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including discharge.

16. Employer's Compliance with FMLA and Employee's Enforcement Rights: The FMLA makes it unlawful for the City to interfere with, restrain, or deny the exercise or any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the City encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of their supervisor, FMLA regulations require the City to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the City.

Further, FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

17. Limited Nature of This Policy: This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The City reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may alsoapply.

18. Military-Related Federal FMLA Leave: FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailedbelow.

a. Military Caregiver Leave: Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a "covered servicemember," which means:

   1) A current member or veteran of the Armed Forces, National Guard orReserves,

   2) Who is undergoing medical treatment, recuperation, or therapy; or, in the case of a veteran, who was a current member of the Armed Forces, National Guard or Reserves within five years prior to the treatment for which an eligible employee requests leave; is otherwise in outpatient status; or is otherwise on the temporary disability retiredlist,

3) For a serious injury (as defined in section 1) or illness that may render a current member medically unfit to perform the duties of the member's office, grade, rank, or rating. Military Caregiver Leave is not available to care for servicemembers on the permanent disability retired list.

To be "eligible" for Military Caregiver Leave, an employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. "Next of kin" means the nearest blood relative of the servicemember, other than the servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 work weeks of Military Caregiver Leave to care for a covered servicemember in a "single 12-month period." The "single 12-month period" begins on the first day leave is taken to care for a covered servicemember and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA- qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in the City's FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military

Caregiver Leave will be governed by, and handled in accordance with, the FMLA

and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

b. Qualifying Exigency Leave (as defined in section 1): Eligible employees may take unpaid "Qualifying Exigency Leave" to tend to certain "exigencies" arising out of the duty under a call or order to active duty of a "covered military member" (i.e., the employee's spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available for any 12- month period, as measured by the same method that governs measurement of other forms for FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a "single 12-month period"). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). An employee must meet all other eligibility standards as set forth within the FMLA policy.

   Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

   A call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

   Qualifying Exigency Leave is available under the following circumstances:

   1) Short-notice deployment. To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.

   2) Military events and related activities. To attend any official military ceremony, program, or event related to active duty or a call to active-duty status or to attend certain family support or assistance programs and informational briefings.

   3) Childcare and school activities. To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.

   4) Financial and legal arrangements. To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state or local agency in connection with service benefits.

5) Counseling. To attend counseling (by someone other than a health care provider) for an employee, the covered military member, or for a child or dependent when necessary, as a result of duty under a call or order to active duty.

6) Temporary rest and recuperation. To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.

7) Post-deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following the termination of the covered military member's active-duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active-duty status.

8) Mutually agreed leave. Other events that arise from the close family member's duty under a call or order to active duty, provided that the City and an employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active-duty orders or other military documentation indicating the appropriate military status and the dates of active-duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days.

Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

## H. Bereavement Leave

In the case of death within the immediate family of a regular full-time or part-time employee such employee will be granted leave of absence from duty with pay. This leave will not be charged against the employee's accumulated sick leave or vacation time. Bereavement leave may not exceed three (3) working days; unless services are conducted out of a four-hundred-mile radius, in which case, the employee may be granted a leave of absence from duty for a period not to exceed five (5) working days. The Department Head may, at his or her discretion, authorize the use of other types of accrued paid leave which the employee may have, to extend this time.

## I. Injury Leave

A City employee shall be granted injury leave in the event of an injury suffered while on duty and performing the required duties of the employee's position. If the injury occurs on City time but is the result of activity by the employee outside the scope of required job duties, no injury leave will

be granted.

1. Medical Treatment: If medical treatment is required due to the on-the-job injury, it shall be authorized by the City's designated worker's compensation physician. An employee may consult with his or her own doctor, but at his or her own expense.

2. Worker's Compensation: The employee will be granted up to thirty (30) weeks, or fifty-two (52) weeks for Public Safety personnel, of injury leave at eighty per cent (80%) of the employee's base pay. (The employee's base pay is adjusted to eighty percent (80%) in order to achieve the approximate same net earnings as prior to being placed on injury leave.) Injury leave shall not be deducted from the employee's accrued leave. In the event the injury requires time off beyond thirty (30) weeks, or fifty-two (52) weeks, the employee will receive benefits pursuant to State worker's compensation law, as amended from time to time. In the event the injury requires the employee to be absent beyond the times provided for above, the employee may continue to use any accrued sick, vacation and/or personal day leave. Changes in State worker's compensation laws may effect changes in this section.

   a. Seasonal or Temporary employees, who are injured on the job, shall be eligible for worker's compensation benefits pursuant to State law, as amended from time to time.

   b. Shift Differential: Employees who are permanently assigned to a shift which receives a differential, shall continue to receive the differential only for the first thirty (30) calendar days of the injury. Shift differential shall resume when the employee returns to work on a shift eligible for differential.

   c. Clothing/Cleaning Allowance: Employees who receive a cleaning or clothing allowance will not receive this allowance while on worker's compensation leave.

3. Modified Duty: The City of Independence may provide modified duty for employees injured in the course of employment. When an employee is unable to return to full duty, but can work in a restricted capacity, the employee may be assigned to modified duty. Modified duty shall be in the employee's department, unless modified duty is unavailable, in which case, the employee may be temporarily assigned to another department. If modified duty is available, the employee will be required to work the modified duty unless the employee elects to use available leave time. Once all available leave time has been exhausted, assigned modified duty shall be mandatory.

Modified duty will be for a limited time, until the employee is able to return to full duty or return to their regularly assigned position with a reasonable accommodation. Modified duty will be reviewed for extension on a quarterly basis. Extension of modified duty may be authorized by the Human Resources Director, if there exists a reasonable assurance that the employee will be able to return to full duty. If during the modified duty period, the employee reaches maximum medical improvement, and the employee is unable to perform the essential functions of their position, separation due to disqualification, will be considered in accordance with Article VII.F.

4. Long Term Disability: An employee receiving long term disability pay shall have their base pay adjusted to ensure that their total compensation does not exceed their regular

net pay. This will apply if the employee is receiving worker's compensation, or full salary while working a modified duty assignment.

5. Employee's Responsibility: Injury leave is authorized solely to enable an employee to recuperate from an injury incurred on the job. Employees who violate their physical restrictions or fail to follow all instructions issued by their treating physician while on worker's compensation leave, may be subject to disciplinary action.

6. Use of Accrued Leave: Employees must report to their supervisor when they are not able to keep a scheduled appointment relating to their on-the-job injury. Appropriate leave must be requested and authorized for any leave which is not expressly related to the on-the-job injury. This includes but is not limited to: Vacation leave; personal business leave; and sick leave.

7. Use of Family and Medical Leave: Family and Medical Leave shall not be charged against an employee while in an authorized worker's compensation leave status.

## J. Leave of Absence Without Pay

An employee on vacation or sick leave status must request a leave of absence without pay within three (3) workdays after exhausting all paid leave. If an employee is absent for more than three (3) consecutive workdays after exhausting all paid leave and does not receive approval for a leave of absence without pay, the employee may be considered to have resigned without notice.

The Human Resources Director is authorized to grant a leave of absence without pay not to exceed fifteen (15) calendar days upon recommendation of the employee's Department Head. The City Manager may grant an employee a leave of absence, without pay, for a period not to exceed one (1) year, upon written request. Failure on the part of the employee to report to work at the end of an approved leave without pay may be considered a resignation.

## K. Military Leave

Employees shall be granted military training leaves of absence in accordance with applicable State law, without loss of pay or other benefits for a period not to exceed a total of one hundred twenty hours in any Federal fiscal year. Competent orders and sufficient prior notice must be received by the Human Resources Director in order to grant military leave. While the City recognizes the re-employment rights of the veteran, the personnel record must reflect the employee's re- employment rights in accordance with Federal and State laws with a copy of the orders incorporated in the personnel file.

## L. Jury Duty Leave

An employee will receive leave with pay for their regularly scheduled hours when required to serve on jury duty. The employee must provide notice of required jury duty to their supervisor, as soon as received by the employee. If released early from jury duty, the employee is required to report back to work. The employee may retain any allowance for jury duty, parking, mileage, or meal expenses provided by the Court.

## M. Time Off Due to Emergency Conditions or Inclement Weather.

If an employee is unable to report to work, and/or requests leave due to the weather or other

emergency conditions, the Department Head may authorize use of personal business leave, vacation leave, compensatory time, or leave without pay. The Department Head shall use his or her discretion in determining which employees may be excused and authorize leave for all or part of the day depending on the needs of the department to maintain service to the public.

**N. Personal Business Leave**

1. Regular full-time employees may earn a maximum of twenty-four (24) hours of leave for personal business leave per year which may be taken in the same manner as vacation leave. Personal business leave is credited in increments of two (2) hours, per month actually worked. Personal business leave may be accumulated to a maximum of sixty (60) hours. Personal business leave may not be used during the initial probationary period.

2. During any single fiscal year when and to the extent that the City Council has appropriated funds for this purpose, an employee may convert unused personal business leave, not to exceed a maximum of twenty-four (24) hours to cash payment at the employee's base rate of pay. The election to accumulate or convert to cash must be made during the last full work week during October. Payment will be made during the month of November. If no appropriation has been made by October 1st, then no payment shall be made for unused personal business leave for that fiscal year.

3. A regular employee who retires or voluntarily resigns from the City shall be paid for accumulated personal business leave to a maximum of sixty (60) hours. An employee who is terminated shall not be paid for accumulated personal business leave.

**O. Voting Leave**

Missouri law requires employers to assure employees have three consecutive hours available to vote in any election in which the employee is registered to vote. The law provides that the three consecutive hours can take into account hours that the employee is not scheduled to work. The polls are normally open from 6:00 a.m. to 7:00 p.m. Thus, an employee scheduled to work from 8:00 a.m. to 5:00 p.m. may be allowed only one hour off to vote because taking that hour at either the beginning of the employee's shift (8:00 a.m. - 9:00 a.m.) or the end of the shift (4:00 p.m. - 5:00 p.m.) would ensure that the employee had three consecutive hours off to vote (6:00 a.m. - 9:00 a.m. or 4:00 p.m. - 7:00 p.m.) In addition to this limitation on time off, the following restrictions apply:

a. Employees are granted time off only for those elections in which they are registered to vote;

b. Employees must use the time taken for the purpose of voting. Failure to do so may subject the employees to discipline;

c. If an employee does not take the time off, he or she is not entitled to overtime or compensatory time for that time; and

d. The scheduling of time off for voting must be approved by the employee's supervisor.

**P. Disaster Service Volunteer Leave**

An employee who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of fifteen calendar days (ten working days) in any fiscal year. To be eligible for payment, the employee must provide proof of certification and advance notification of requested leave to the Human Resources Director.

**Q. Special Work Schedules**

1. When the work program of a department requires or permits, the Department Head may install special or staggered work schedules for their employees. Each employee may be assigned a specific time at which the employee will complete the workday. The assignment of employees to staggered work schedules, subject to approval by the Human Resources Director as provided herein, is the responsibility of the Department Head, but should not conflict with any provision in established work agreements and is not subject to appeal before the Personnel Board.

   a. Reasons for special work schedules: Installation of special work schedules shall be to:

      1) Improve service to the public by the extension of business hours to the public, wherever feasible. In no case shall the public's access to City services or the working relationships among City departments be curtailed as a result of special work schedules.

      2) Maintain or improve current productivity levels.

   b. Criteria for special work schedules: In addition to "a" above, the following criteria shall be met before a special work schedule may be implemented:

      1) The mission of the department or City shall not be adversely effected.

      2) Daily business hours shall include all business hours necessary to transact business with other City departments and the general public.

      3) Sufficient staff and adequate supervisory control to accomplish the mission of the agency shall be maintained throughout the entire business day.

   c. Procedural requirements: A written plan for staggered work schedules for individual employees, units or an entire department must be submitted to the Human Resources Director for approval, together with a copy of the staggered work schedule. The plan shall document how it proposes to meet the schedule objectives and the criteria contained in paragraphs Q.1. and Q.2. Employees should be given thirty (30) days notification on a change in their work schedule, when practicable.

   d. Implementation: Special work schedules may be implemented upon written approval by the Human Resources Director, or an authorized representative. Changes and adjustments shall be submitted to the Human Resources Director for written approval.

2. When an employee works a special schedule which regularly involves daily hours greater than eight hours; i.e. 10 or 12 hours plan, or days other than Monday through Friday,

the following shall apply:

a. Overtime pay: All non-exempt employees working in excess of forty (40) hours per week shall be compensated at the rate of one and one-half (1½) times their regular hourly rate of pay. For purposes of this subsection, when calculating total hours per work period, holidays not worked but paid via holiday pay are included. All other hours paid but not actually worked are excluded.

   This section shall not preclude provisions establishing an entitlement to premium pay for hours worked on holidays or weekends (if the weekends are not regular working days for the employees in question). This section is intended to eliminate any practice or provision that automatically pays overtime or premium pay for all hours worked outsides an employee's regular schedule if the employee has not actually worked the requisite number of hours during the pay period required to qualify for overtime pay.

b. Holiday pay: Employees required to work in excess of eight (8) hours per day will be granted holiday pay equal to the number of hours required to work. Non-exempt employees who voluntarily select to work a flexible schedule with hours exceeding eight hours per day shall be granted a maximum of ninety-six (96) hours holiday pay annually or eight hours per day. Such employee may take the additional holiday time as leave without pay, or supplement additional time off by using accrued vacation leave, personal business leave, compensatory time, or holiday leave. Leave must be requested and approved, in advance, by the Department Head.

**R. Leave Accrual and Usage Adjustments**

The City Manager may authorize increases to accrual and usage of authorized leave schedules to insure equity. Requests and justifications for increases shall be prepared by the Department Heads, and reviewed by the Human Resources Director, or an authorized designate.

**S. Outside Employment:**

Each full-time and part-time City employee shall notify his or her Department Head of any outside employment that requires the employee to wear a City uniform, insignia or use City issued equipment. The employee shall first gain approval from their Department Head and the City Manager. All employees engaged in such employment must notify the Human Resources Department by completing a "Notification of Outside Employment" form obtained from the Human Resources Department. Employees engaged in outside employment must not have work hours that are concurrent with hours worked for the City. Employees who have outside employment shall not work in any position which would present a conflict of interest as defined in Article VII, Section I of these policies. Department Heads shall monitor job performance of any employee engaged in outside employment, to determine if performance is adversely impacted by such outside employment.

**T. Victims of Domestic and Sexual Violence**

1. An employee who is a victim of domestic or sexual violence or a family or household member who is a victim of domestic or sexual violence whose interests are not

adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address such violence by:

a. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

b. Obtaining services from a victim services organization for the employee or the employee's family or household member;

c. Obtaining psychological or other counseling for the employee or the employee's family or household member;

d. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or

e. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

2. Definitions:

a. "Abuse" means any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)- (10).

b. "Domestic violence" means abuse or stalking committed by a family or household member.

c. "Family or household member" means for employees with a family or household member who is a victim of domestic or sexual violence, a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

d. "Reasonable safety accommodation" means an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

e. "Sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

f. "Sexual violence" means a sexual assault and trafficking for the purposes of sexual exploitation.

g. "Trafficking for the purposes of sexual exploitation" means when a person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

h. "Victim of domestic or sexual violence" means an individual who has been subjected to domestic violence, sexual violence, or abuse.

i. "Workweek" means an individual employee's standard workweek.

3. Leave Time:

a. Employees are eligible to take unpaid leave if: (1) they are victims of domestic or sexual violence; or (2) they have a family or household member who is a victim of domestic or sexual violence. Employee will be required to provide notice of the need to take leave under this policy to employee's supervisor and the HR department. Employee will be required to provide the HR department with certification (described in subsection (e) below) of the need to take leave under this section. The amount an eligible employee may take of unpaid leave is two (2) workweeks.

b. Eligible employees may choose to use accrued paid leave (such as sick leave, vacation, and personal business days) concurrently with some or all of an employee's victims of domestic and sexual violence leave.

c. The leave time stated above cannot extend the 12 workweeks allowed under the Family Medical Leave Act.

d. Leave time can be taken intermittently or on a reduced work schedule basis.

e. City shall maintain coverage for the employee and any family or household member under any group health plan for the duration of the leave and at the level and under the conditions coverage would have been provided if the employee had not taken leave. If the employee fails to return from leave after the period of leave has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, sexual assault, or human trafficking, the City may recover from the employee the premium that the City paid for maintaining any group health plan while employee was on leave. If the employee fails to return to work for the

reasons listed above, employee is required to provide the HR department with a certification and documentation as set forth in subsection (e) below.

f. Employee is entitled, on return from the leave, to be restored to the position employee held prior to when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

g. The City may require that employee provide periodic updates to the employee's supervisor and HR department on the status and intention of the employee to return to work while on leave.

4. Process to Take Leave:

a. Employee shall provide employee's supervisor and the HR department with at least 48 hours advance notice of the employee's intent to take leave under this section, unless providing such notice is not practicable.

b. If an unscheduled absence occurs, the City will not take action against the employee if the employee provides certification pursuant to subsection (e) below within 48 hours of the unscheduled absence or such other time period that the City deems reasonable.

5. Certification – The employee must provide the HR department with a sworn statement that either: (1) employee is a victim of domestic or sexual violence; or (2) employee's family or household member is a victim of domestic or sexual violence. The sworn statement must be accompanied by one or more of the following:

a. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;

b. A police or court record of the domestic or sexual violence; or

c. Other corroborating evidence.

6. Confidentiality – All information provided to the City, including the employee's sworn statement and certification documents, and the fact that the employee requested leave under this section shall be retained by the City in the strictest confidence, except to the extent that disclosure is requested or consented to in writing by the employee or by applicable federal or state law.

7. Reasonable Accommodations – The City shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence. If the accommodation would impose an undue hardship on the operation of the City, then the City shall not be required to provide said accommodation upon demonstrating the undue hardship.

8. Fraud: Providing false or misleading information or omitting material information in connection with Victims of Domestic and Sexual Violence Leave will result in disciplinary action, up to and including discharge.

## ARTICLE V. COMPENSATION AND BENEFITS

### A. The Pay Plan

The Pay Plan is designed as a fair and equitable method for the payment of employees in the City.

1. Preparation of Plan: A compensation plan, directly related to the Classification Plan, shall be developed, and administered by the Human Resources Director with the approval of the City Manager. Each position of a class shall be assigned to a compensation range.

   The compensation ranges shall include minimum and maximum rates for all positions included in the Classification Plan.

2. Adoption of Plan: The compensation plan as approved by the City Manager, ~~and adopted by the Council~~ shall constitute the Pay Plan for the City.

3. Amendment of Plan: The Pay Plan may be amended in the same manner as prescribed for the preparation and adoption of the plan.

### B. Administration of Pay Plan

1. Appointment Rate: Except as provided herein, the minimum rate of pay for a class shall be paid upon appointment to the class.

   a. The Human Resources Director shall monitor the Pay Plan to assure that the entry level for each classification is set to ensure that the City maintains competitive recruitment practices.

   b. Approval for appointment rates above the minimum rate must first be obtained from the Human Resources Director and the City Manager.

2. Performance Increases: Performance increases are based on good work performance and are not automatic. Performance increases within an established range shall be made only upon recommendation of the Department Head and the Human Resources Director with approval by the City Manager.

3. Pay Rate Adjustments: Actions affecting the pay status of an employee shall be considered pay rate adjustments for the purposes of the pay plan.

   a. Transfer - When an employee is transferred the compensation rate of the employee will remain unchanged. A transfer shall require the approval of both Department Heads.

      Employees will be required to serve a ninety (90) day probationary period. The merit review date will not change for an employee who has transferred.

   b. Promotion - When an employee is promoted from a position in one compensation

range to a position having a higher compensation range, the compensation rate of thepromoted employee shall be increased to at least the entry rate of the new pay range, but not in excess of the maximum of the new pay range.

c. Demotion

1) Involuntary: See Article VII, Section H.3(f).

2) Voluntary: An employee may take a voluntary demotion to a position of lower compensation range, if qualified. The employee shall be paid at a rate which is within the approved range for the lower position. The rate of pay shall be recommended by the Department Head, and approved by the Human Resources Director and City Manager, after taking in consideration the circumstances surrounding the reason for the demotion. An employee who has not completed the probationary period prior to demotion will be required to serve a new probationary period.

d. Change in Classification - If a position audit results in a change in classification, the incumbent's compensation shall not change. In no event shall the employee receive less than the entry level of the pay grade of the newclass.

A change in classification shall not impact an employee's merit review date.

e. Out-Of-Position Pay - An employee who is assigned to work in a position in a class with a higher salary range for a period exceeding five (5) working days shall be compensated for all hours served in the higher class at a rate of five percent (5%) above his/her current base pay or the entry rate of the pay range of the classification being filled, whichever is greater.

f. Acting Position Pay - An employee who fills a vacant position in a class with a higher compensation range will be entitled to receive the greater of a minimum of a five percent (5%) increase or the entry rate of the pay range of the classification being filled.

4. Pay Differentials: Personnel permanently assigned a late shift or performing certain duties, shall be entitled to pay differentials when approved by the City Manager, as follows:

a. Full time employees who are permanently assigned to a shift beginning between the hours of 3:00 p.m. and 5:00 a.m. shall be entitled to a five percent (5%) pay differential.

b. During periods of strike, flood, civil disorder, or other emergency, not to exceed three consecutive month's duration, the City Manager may approve, within current appropriations, a pay differential to personnel subjected to exceptional pressures, requirements, responsibilities, and a demand for performance of significantly increased duties over and above those normally associated with the employee's position.

5. Longevity Pay:

a. On and after July 1, 1995, for all non-represented employees and for bargaining

unit members with work agreements that refer to this alternative longevity system the following provision for longevity pay will apply. On the employee's anniversary date, longevity pay will be determined by adding a longevity factor of five tenths of one percent (0.5%) of the employee's base pay to base pay. This calculation will occur for each year of service that an employee completes to a maximum of thirty (30) years of service. Any amount in excess of the employee's classification pay range, as a result of the above calculation, will be compensated as a bonus in addition to base compensation.

When a bonus exists, the bonus will be added to base pay prior to the multiplication by the longevity factor. This will occur until the employee's base pay plus bonus pay is less than the maximum for the employee's classification pay range. For purposes of this calculation base pay will be the employee's earnings in accordance with the classification schedule, plus longevity compensation.

b. Sunset of Program

1) On close of business December 31, 2023, the City's Longevity Pay Program will sunset for all active, qualified employees.

On close of business December 31, 2023, the City's Longevity Pay Program will no longer be available for newly hired employees who would qualify for this benefit.

6. Overtime Pay:

a. All non-exempt employees working in excess of forty (40) hours per week shall be compensated at the rate of one and one-half (1½) times their regular hourly rate of pay. For purposes of this subsection, when calculating total hours per week worked, holidays (as defined in Article IV, Section C) are included.

This section shall not preclude provisions establishing an entitlement to premium pay for hours worked on holidays or weekends (if the weekends are not regular working days for the employees in question). This section is intended to eliminate any practice or provision that automatically pays overtime or premium pay for all hours worked outside an employee's regular schedule if the employee has not actually worked the requisite number of hours during the pay period required to qualify for overtime pay.

b. Overtime must be authorized by the Department Head.

c. Exempt and non-exempt status shall be identified in the class specification.

d. Compensation in excess of salary may be granted to exempt employees under emergency conditions which directly involve the health, safety and/or welfare of employees or citizens. Such pay must have prior approval of the City Manager.

7. Compensatory Time: Based on the decision of the Department Head non-exempt employees accumulate compensatory time in-lieu of overtime compensation in accordance with the FairLabor Standards Act.

Compensatory time is limited to general employees being allowed to accumulate, at the time and one-half rate, up to 240 hours, or 160 hours at the straight time rate.

Public safety employees will be allowed to accumulate, at the time and one-half rate, up to 480 hours, or 320 hours at the straight time rate.

8. Standby, On-Call, and Call-Out Pay:

   a. Stand-By is off-duty hours when the employee is required to respond if called to report to work and is subject to disciplinary action for failure to respond. Employees, both exempt (except Department Heads and division managers) and non-exempt, will be compensated for time spent on stand-by pay. Stand-by compensation will be two (2) hours at the employee's overtime rate for each twenty-four (24) hours of availability, except as provided herein. Response time requirements will be determined by the employee's Department Head.

   b. On-Call is off-duty hours when the employee may be called back to work, and not required to respond. The employee is not subject to disciplinary action if unable to respond. Employees, both exempt and non-exempt will not be compensated for time spent on-call.

   c. Call-Out is when an employee is actually called and reports back to work, whether on stand-by or not. In the event the employee is called out, non-exempt employees shall be compensated at their overtime rate of pay for a minimum of two hours. Employees on stand-by when called-out will not receive compensation for being called-out until the hours worked on the call-out exceed the number of hours compensated for stand-by. Compensation shall start at the time the employee is contacted and asked to report to work and end at the point that the employee is released from duty. The maximum allowable time for compensated travel from the contact location to the reporting site is thirty (30) minutes.

   d. Employees who are designated to perform snow removal, shall be subject to the following requirements:

      1) Employees who are designated to perform snow removal, when sent home prior to the conclusion of the regular work shift or who are delayed their regular start time will be compensated for the regular time lost.

      2) When snow removal operations have discontinued, employees will not be required to return to their regular work shift until twelve (12) hours following the end of their snow removal shift.

      3) Employees will not be held over more than two (2) hours following their twelve (12) hour snow removal shift for purposes of completing the snow removal operations. The City retains the right to determine whether to call in the next shift or complete the snow removal operations after the start of the next regular work shift.

      4) Employees who are assigned to snow removal shift will receive four (4) hours straight time per week stand-by time for the time they are on snow removal

stand by. Employees will be paid during the period November 25th or the first snowfall, whichever comes first, through March 15th each year. Employees on snow removal stand-by will not be entitled to call-out compensation if called-in for snow removal.

5) Untrained employees who have no knowledge of snow removal will be granted done- half (1/2) of regular shift to work with trained snow removal personnel to learn snow removal procedures.

6) Employees required to work snow removal on a holiday shall receive eight (8) hours of holiday pay at his or her regular rate of pay, plus one and one-half (1-1/2) times their regular rate of pay for the actual hours worked on the holiday.

7) As long as it is allowed by the Fair Labor Standards Act (FLSA) the employee may request and be granted compensatory time in-lieu of overtime compensation. Compensatory time will be earned at the same ratio as overtime. The amount of compensatory time allowed may be granted in increments of less than the overtime hours worked. Such authorization for earning compensatory time instead of overtime is subject to the approval of the Department Head.

9. Court Time: A non-exempt employee who is required to appear in court on behalf of the City on his/her time off shall receive one and one-half (1½) times his/her hourly rate for a minimum of two (2) hours or for the period the employee is actually required by the court, whichever is longer.

## C. Employee Benefits

1. Payroll Deductions: All deductions from the City payroll must be approved by the City Manager. Individual deductions shall be made from an employee's paycheck only upon written authorization by the employee and shall continue until the employee submits a written request that such deductions cease. Such authorization notices shall be submitted to the Finance Director.

2. Employee Life Insurance:

a. Eligibility - Upon completion of the first day of continuous service with the City, all regular full-time and regular part-time City employees shall be enrolled in the City's group life insurance program.

b. Benefits - The amount of insurance for covered employees shall be no less than one times the annual base earnings of the employee. In the event of temporary total disability of an employee, the City shall pay the life insurance premium and continue such coverage as long as the temporary disability is in effect to allow for continuation of coverage under the provisions of such policy.

3. Health Insurance:

a. General - The City offers health insurance for regular full-time employees, who average working thirty (30) or more hours per week (on a calendar year basis), on a cost sharing basis.

b. Coverage and Cost - The cost shall be determined by the type or level of coverage selected.

c. Disability - Employees applying for disability income may remain on the City's group health plan until the eligibility for these programs is determined.

4. Retirement:

a. LAGERS - The City participates in the Local Government Employee's Retirement System (LAGERS). LAGERS is a retirement program provided by Missouri Statutes (Section 70.600 et seq. RSMo.) and controlled by the Missouri General Assembly. It is administered by a board consisting of members elected from participating political subdivisions and the employee members. Each year, during the month of September, employees elect a LAGERS representative to attend the annual state meeting and represent them. The City Clerk conducts this election. All City employees included in the City LAGERS plan shall be eligible to vote, sign nomination forms and be nominated as a delegate. Notice of the election shall be posted in all Departments at least two weeks prior to the deadline for nominations. The notice shall include the time and place of the election, when nominating forms will be made available, the hours nomination forms will be received and the time the tabulation of votes will be conducted. To be placed on the ballot, an employee must be nominated on a form provided by the City Clerk signed by at least ten persons qualified to vote in the election. Nominees shall be placed on the ballot in the order that nomination forms with the required signatures are received at the office of the City Clerk. The election shall be by secret ballot. The City Clerk shall see that all voters are qualified and that they are checked off on a list of qualified voters when their ballot is cast. Each voter must cast the ballot in person during the specified hours. There will be no absentee voting. The election shall be held at the office of the City Clerk during regular working hours of that office on three consecutive working days. Employees shall be allowed to ballot during their regular working hours. Votes shall be tabulated by the City Clerk staff as soon after the close of the third election day as practicable. Ballots with more than one name marked shall be disqualified.

Each nominee or a representative may be present and observe the tabulation of votes. The City Clerk shall certify the employee receiving the most votes as the employee LAGERS delegate. See Section 70.605 RSMo. for duties of the employee delegate at the annual meeting.

b. Retiree Health Insurance – The City offers retirement health insurance, through the health insurance program offered to regular fulltime employees, to retirees who are eligible to receive retirement or disability benefits through LAGERS and who otherwise meet the requirements of this section. This will include the early and disability retirement provisions offered by LAGERS. Coverage will include the retiree and dependents, subject to the provisions of the health insurance program. The surviving spouse of a retiree is eligible to continue participation in the retirement health insurance program for themselves and dependent children if

receiving a benefit through LAGERS as the surviving spouse of a retiree.

For employees hired before January 1, 2009 who within six (6) months of their last day of work start receiving a benefit through LAGERS and have five (5) consecutive years of service with the City, the premium paid will be the same percent as regular fulltime employees determined on a monthly basis. These retirees may delay or suspend receiving the retiree health insurance and may enroll during any open enrollment period or as the result of a COBRA qualifying event following the date they qualify for this insurance.

For employees hired on or after January 1, 2009 who within six (6) months of their last day of work start receiving a benefit through LAGERS and have twenty (20) years of service with the City, the premium paid will be the same percent as regular fulltime employees determined on a monthly basis. These retirees may delay or suspend receiving the retiree health insurance and may enroll during any open enrollment period or as the result of a COBRA qualifying event following the date they qualify for this insurance.

Employees hired after July 1, 2018, who within six (6) months of their last day of work start receiving a benefit through LAGERS and have twenty (20) years of service with the City, may voluntarily elect to participate in the City's health insurance plan(s). This is a voluntary plan with these retirees paying 100 percent of the monthly premium.

For employees hired on or after January 1, 2009 who start receiving a duty related disability benefit through LAGERS and have fifteen (15) years of service with the City and obtain a physician's statement that indicates but for the duty related disability the employee would have expected to be able to work an additional five (5) years for the City, the premium paid will be the same percent as regular fulltime employees determined on a monthly basis. These retirees may delay or suspend receiving the retiree health insurance and may enroll during any open enrollment period or as the result of a COBRA qualifying event following the date they qualify for this insurance.

Employees terminating, who are vested in LAGERS and defer receiving a benefit through LAGERS, are not eligible to participate in the retiree health insurance program when they start receiving a LAGERS benefit.

c. Life Insurance – Retired employees receiving a pension benefit through LAGERS are eligible to participate in a group life insurance policy through the City. The premium for the policy will be the responsibility of the retired employee.

d. Social Security – The employees of the City are covered by Old Age Survivors Disability Insurance (OASDI, Social Security, and FICA).

5. Education Benefits: The City encourages its employees to further their knowledge and skills through education and self-improvement courses. To assist in the efforts of its employees the City will provide a reimbursement benefit when the Council has appropriated funds for this purpose. The following guidelines must be met in order to

receive the reimbursement benefit:

a. The reimbursement benefit is available to any regular full time employee;

b. Applications provided by the Human Resources Department are to be submitted prior to enrollment;

c. Course work must be of a practical nature that can assist an employee in furthering career related goals;

d. The reimbursement benefit is 50% of all required costs for the course work, excluding books and supplies;

e. The City, based upon budgetary considerations, may place a ceiling or upper limit on the amount of benefit. For higher education courses the reimbursement benefit will be limited to six credit hours per quarter or semester;

f. The employee will be responsible for supporting the benefit claim with standard course descriptions and a copy of the final grade report, if issued. Course work must be successfully completed and where appropriate with a grade "C" or better;

g. An employee may attend school during normal work hours with the approval of the Department Head and City Manager.

6. Mileage and Travel Allowances: Mileage and travel expenses are appropriated by department and are reimbursed to employees on City business. The City Council sets a mileage allowance. Any employee who is concerned with these allowances should have written approval from his/her Department Head before incurring such expenses. Necessary mileage and expense forms are available from the Finance Department.

7. Long-Term Disability Insurance: The City offers long-term disability insurance for regular full- time employees who average working 30 or more hours per week (on a calendar year basis).

8. Deferred Compensation: The City offers deferred compensation to regular full-time employees who average working 30 or more hours per week (on a calendar year basis)..

9. Flexible Benefit Plan: The City offers a flexible benefit program to regular employees who average working 30 or more hours per week (on a calendaryear basis).

10. Employee Assistance:

a. Policy Statement: The City maintains a firm commitment to provide quality services to its residents and a safe and healthy work environment for its employees. The City recognizes that personal problems experienced by an employee may effect the employee's ability to perform his or her work for the City and may have an adverse impact on the work place, thus impairing the City's ability to provide quality services to its citizens and to maintain a safe work environment.

The City is willing to assist employees in the resolution of personal problems, particularly in cases when the employee seeks assistance before his or her work performance is seriously affected. To this effect, the City encourages employees to

seek help through the City's Employee Assistance Program (EAP).

b. Voluntary Request for Assistance: Any full-time employee suffering any personal problem, whether or not work-related, may contact the City's EAP provider for initial assessment or may seek professional assistance on his or her own. The Human Resources Department must inform any employee seeking assistance as to the availability of the EAP plan and as to how City employment benefits may be used in any treatment plan selected by the employee. All voluntary requests for assistance or information will be kept in the strictest confidence, and the EAP provider will not release the names of such employees to the City, nor discuss treatment issues with the City, without the permission of the employee. The fact that an employee has voluntarily sought assistance will not be given adverse consideration in any employment decisions regarding that employee.

c. Use of Leave Time: Employees who are receiving treatment through the EAP, or on referral from the EAP, are entitled to use all forms of accumulated leave time available to them, including sick leave, vacation time, and compensatory time. Use of leave time must be scheduled with the employee's department, which shall not unreasonably refuse to schedule such leave. Normally, leave of absence without pay is not available for EAP purposes; however, if an employee exhausts all available leave time prior to receiving clearance to return to work, the employee may request a leave of absence without pay, pursuant to Article V, §J of the Personnel Policies and Procedures Manual. Said leave of absence without pay is not a right but discretionary with the City.

d. Rehabilitation the Responsibility of the Employee: It is the responsibility of each employee to seek assistance before personal problems lead to deterioration in their work performance or disciplinary action. Once disciplinary action has been instituted against an employee, subsequent use of the EAP does not exempt the employee from expected job performance standards or appropriate disciplinary action.

e. Confidentiality of EAP Records: All records of an employee's use of the EAP program are confidential and no record of that referral, other than in statistical form, will be provided to or kept by the City. The City will not be provided with information regarding any problem of the employee identified by the EAP or regarding the nature of the treatment recommended for the employee. Nothing contained herein shall prohibit the employee from consenting to the release of records by the EAP provider.

~~**SPECIAL CIRCUMSTANCES LEAVE PROGRAM SUSPENDED JANUARY 1, 2012**~~

**D. ~~Special Circumstances Leave~~**

~~Regular full-time employees who have completed one year of consecutive service with the City, who become temporarily disabled due to causes other than work-related duties, may apply for special circumstances leave under the following conditions, subject to the eligibility criteria~~

established.

1. Eligibility: The program is available to full-time employees who meet the following criteria:

   a. Applicants must have worked for the City for twelve (12) consecutive months prior to the onset of the illness or injury.

   b. Applicants must obtain and submit a physician's certificate stating the employee is unable to perform the material and substantial duties of that employee's own occupation or such other duties as are assigned by the City.

   c. The physician's certificate shall state the illness or injury is anticipated to last longer than thirty (30) days, but less than six (6) months.

   d. The employee must not be eligible for Worker's Compensation from the City or any other employer. The employee must not be eligible for any other government sponsored disability program for the period for which special circumstances leave is sought from the City.

   e. The employee must not be receiving or be eligible to receive disability compensation benefits from any City provided short term or Long-Term Disability (LTD) carrier, or other City provided insurance programs.

2. Program Limitations. Prior to receiving any benefit, the following criteria must be met:

   a. Employee must have exhausted all accumulated sick leave, personal business leave, vacation leave, and compensatory time at the time special circumstances leave begins.

   b. While receiving special circumstance leave, an employee will not accrue sick, personal business, or vacation leave.

   c. At least thirty (30) calendar days must have elapsed since the employee's last day worked. (After employee is determined to be qualified, Special Circumstances Leave shall be paid from the first unpaid day of missed work on or after the date of the onset of the qualifying illness or injury).

   d. No employee may receive more than 26 weeks special circumstances leave within a 24-month period, measured forward from the first date special circumstances leave is used.

   e. The amount of compensation paid to the employee during the period of leave shall be one hundred percent (100%) of employee's normal base gross wages.

   f. No Special Circumstances Leave shall be granted an employee during any of the following periods:

      1) Any period in which the employee is no longer under the regular and continuing care of a Physician providing appropriate treatment by means of examination and testing in accordance with the employee's condition, unless employee has reached maximum point of recovery and is unable to perform the material and

substantial duties of the employee's own occupation or other duties as assigned by the City.

2) Any period employee does not submit to any medical examination reasonably requested by the City.

3) Any period in which the employee's illness or injury is due to substance abuse or mental illness (mental, nervous, psychological, emotional diseases, or behavioral disorders of any type), unless employee is under the continuing care of a psychiatrist or psychologist or other appropriate licensed medical professional.

4) For any period of absence due to intentionally self-inflicted injuries, except as permitted under paragraph f(3) above; a war, declared or undeclared, or any act of war; the employee's active participation in a riot, rebellion or insurrection; or the employee's committing or attempting to commit an assault, felony, serious misdemeanor, or other illegal act.

5) Any period employee engages in any occupation or employment for wage or profit other than with the City.

g. Special Circumstances Leave shall cease on the earliest of the following:

1) the date the City determines employee is able to perform the material and substantial duties of that employee's own occupation, or other duties as assigned by the City, even if employee chooses not to work.

2) the date the employee dies;

3) the date the 26 weeks allowed within 24 months has been reached;

4) the date employee does not provide medical verification that the employee continues to be eligible for leave as employee requested;

5) the date employee engages in any occupation or employment for wage or profit other than with the City; or

3. New Injury, Illness or Recurrence after Return to Work: If employee returns to work full time and has a recurrence of the need for special circumstances leave:

a. If the new illness or injury is related to or due to the same cause(s) as the prior leave, the City will treat the new leave request as part of the prior leave if the employee has returned to work full- time for 14 consecutive calendar days or less, and the employee will not have to complete another 30-day waiting period. (Section 2.cabove.)

b. If the new illness or injury is unrelated to the prior leave, the City will treat the new leave request as part of the prior request only if the employee has not returned to work full-time, and the employee will not have to complete another 30-day waiting period (Section2.c above).

c. The new request for leave, as outlined in 3.a or 3.b, will be subject to the same terms

~~and conditions as the employee's prior request.~~

~~d. If employee does not satisfy Item 3.a or 3.b above, the new request for leave will be treated as a separate request and the employee will have to complete another 30-day waiting period (Section 2.c above).~~

~~4. Agreement to Reimburse: If the cause of the need is the result of a third party's negligence the employee shall assign the right to subrogation to theCity.~~

~~5. City's Right to Review: Upon the application of any employee for special circumstances leave, the employee shall execute appropriate release forms permitting the City access to medical records related to the request for leave. The City may require the employee to see a physician of the City's choice, at the City's cost, prior to approving any request for leave. The decision to approve or disapprove any request for special circumstances leave shall reside with a three-person committee consisting of the Finance Director, Human Resources Director, and the City Counselor. All decisions of that group shall be final, subject only to further appeal to the City Manager.~~

## ARTICLE VI. SEPARATION AND DISCIPLINARY ACTION

### A. Resignation

1. Voluntary resignation: An employee wishing to resign from the classified service in good standing, shall file with the Department Head, at least two (2) weeks in advance of the effective date, a written resignation stating the effective date of the resignation.

2. Abandonment of position: An employee shall be deemed to have abandoned his or her position if that employee has three (3) consecutive working days/shifts of unauthorized absence. This situation shall be deemed a resignation, and the required written resignation of the employee shall be waived.

   a. An employee separated from City service in this manner may apply to the Human Resources Director for reinstatement. Reinstatement shall be considered when it is in the best interests of the City and determined on a case-by-case basis. Recommendations for reinstatement shall be made by the Human Resources Director, with the concurrence of the Department Head, subject to approval by the City Manager. Denial of reinstatement may be appealed to the Personnel Board in accordance with Article VIII.F of these Personnel Policies and Procedures.

   b. If an employee is reinstated, determination regarding a break in service shall be made after consideration of all factors.

### B. Termination

1. Classified Employees:

   a. A Department Head may, for cause, recommend the termination of a classified employee to the Human Resources Director, via a formal written memorandum. Upon review of the termination recommendation, the Human Resources Director shall:

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1) Deny the recommendation for termination.

2) Place said employee on suspension without pay for a period of ten (10) days to conduct further investigation.

i. A classified employee who has been recommended for termination shall be entitled to receive a written statement of reasons for the action.

ii. -Termination of classified employees shall be in accordance with the standards of the Merit System.

iii. Reinstatement of classified employees shall be compensated for their time off without pay.

iv. Terminate the employee for cause.

~~1. by placing the employee on suspension without pay for a period of ten (10) days pending a request by the employee for an appeal hearing to the Personnel Board. A request for a hearing shall be in writing and filed with the Human Resources Director. If no appeal is received, the employee shall be terminated at the completion of the suspension. The recommendation for termination is subject to review and subsequent recommendation by the Human Resources Director to the City Manager who shall make the final determination matter.~~

A classified employee who has been recommended for termination shall be entitled to receive a written statement of reasons for the action. Termination of classified employees shall be in accordance with the standards of the Merit System.

If the recommended termination is appealed, it shall be processed in a timely manner pursuant to Article VIII of these Personnel Policies and Procedures.

2. Unclassified Employees:

~~2.~~a. The appointing authority may, with or without cause, terminate an unclassified employee in accordance with the provisions of Article 3.3(1) of the Charter.

~~Since employees in the unclassified service may be terminated with or without cause, the following severance plan is provided for unclassified employees that are terminated involuntarily:~~

~~a. Transition compensation will be provided to unclassified employees being involuntarily terminated who meet the following eligibility requirements:~~

~~1) Have successfully completed an employment period of one year;~~

~~2) Are presently a regular full-time employee in the unclassified service;~~

~~3) Being terminated at the initiative of the appointing authority for reasons other than gross misconduct.~~

~~b. Transition compensation will be provided based on the length of service of the employee being terminated, in accordance with the following ranges. The number of weeks of compensation within the ranges will be determined by the appointing~~

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~~authority:~~

| ~~Length of Service~~ | ~~Amount (Base Salary)~~ |
|---|---|
| ~~1 to 3 years~~ | ~~4 weeks~~ |
| ~~5 to 10 years~~ | ~~12 – 16 weeks~~ |
| ~~10 years and over~~ | ~~20 – 26 weeks~~ |

~~c. Transition compensation will be included on a separate check in a lump sum, less applicable deductions.~~

~~d. Transition compensation will not be considered as time worked and will have no effect on the date of termination or the date employee benefit coverage ceases.~~

**C. Layoff**

1. When: Layoff shall occur when it becomes necessary for the City Manager to effect immediate reductions in the size of the City work force due to projected shortage of funds or as may otherwise be provided for in these Personnel Policies and Procedures.

2. Procedure:

   a. Freeze - Immediately following a decision which may involve the potential layoff of regular status employees, the City Manager shall freeze all current City vacancies in similar and related classifications to those likely targeted for layoff. Every effort shall be made to place affected employees into vacant positions for which they are qualified.

   b. Notification - Employees shall be notified individually, in writing by the Human Resources Department, of pending layoff as soon as possible. The employee shall receive a minimum of ten (10) working days notification prior to the effective date of the layoff.

   c. Recall - An employee in a position identified for layoff may elect to resign in-lieu of layoff. Employees not wishing to resign will be placed on a recall list. Recall shall be in reverse order of layoff subject to the needs of the service and employee qualifications. An employee who has been recalled shall be reinstated with full-service credit accrued up to the time of layoff. Opportunity for recall shall expire six (6) months from the effective date of lay-off.

**D. Reduction in Force**

A reduction in the City work force may be necessitated by a material change in duties and the organization. An employee effected by a reduction shall be notified individually in writing by the Human Resources Director of the pending reduction in force as soon as possible, and no later than thirty (30) working days prior to the effective date of the reduction in force action. If advance notification is not possible, each employee shall be entitled to pay equal to the number of days' notice not given, but in no case shall pay exceed an amount equal to ten (10) working days.

Consideration of the reduction is by position only and shall not be considered an action upon the individual, nor shall the City Council consider any reduction of persons as prohibited by Charter

Section 2.15.

An employee who separates from the service due to a reduction in force may be eligible for transfer or re-hire to a vacant position for which they are qualified. An employee who is interested in a transfer or demotion to a vacant position or re-hire shall notify the Human Resources Department in writing prior to separation. In order to maintain continuous service credit with the City, the employee must be placed in a position within six (6) months of the reduction action. An employee separated from service due to a reduction in force who is placed in the service after six (6) months, shall be treated as a new hire.

**E. Retirement**

An employee vested in the LAGERS pension plan may elect to retire at age sixty (60), or age fifty-five (55) for members of the Fire and Police service. Early retirement is available through the LAGERS plan.

An employee wishing to retire from the Classified Service, should file with the Department Head, at least four (4) weeks in advance of the effective date, a written notice of retirement stating the effective date of the retirement.

**F. Separation Due to Disqualification**

1. General Provisions: An employee shall be separated without fault, hereinafter called a disqualification, if a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, prevents satisfactory performance of the essential duties and responsibilities of the position. In lieu of separation, the employee may transfer or demote to a vacancy for which the employee is qualified, with the consent of the Department Head under whom such vacancy is located. The transfer or demotion may be made despite the existence of a current eligibility list. The employee may also be placed on the eligibility list for classes at or below his or her current position, if the employee meet(s) the minimum qualification.

a. Grounds for Disqualification - an employee may be deemed to be disqualified if any of the following conditions occur:

1) Physical or mental incapacity: When an employee becomes unable to perform the essential functions of the position because of mental or physical incapacity.

2) Inadequate knowledge, skills and abilities: When an employee cannot perform the essential functions of the position because of inadequate knowledge, skills, or abilities;

3) Inability to supervise: When an employee in a supervisory position is unable to plan, organize, and direct the work of subordinates;

4) Inability to work independently: When an employee in a position requiring initiative and independent judgment is unable to perform except under excessive supervision;

5) Necessary special requirements: When a class specification lists necessary special requirements, and the employee fails to meet those requirements;

6) Legal requirements: When laws require a license or other authorization to perform the duties of a position and the employee does not have the required authorization.

2. Procedure: The Human Resources Director shall give the affected employee notice of separation from service due to disqualification or actions in lieu thereof on or before the effective date unless the separation is immediate. In the latter instance, the notice shall be mailed to the address of record of the employee within two (2) working days after the effective date. The notice shall include all relevant information upon which the decision to separate was based.

An employee shall be relieved immediately of any duties requiring a license or other authorization if the employee lacks such license or authorization.

The Human Resources Director, upon approval from the City Manager, shall have the authority to require a physical or mental examination (including drug screen) of an employee, if the employee is unable to perform the essential functions of the position because of physical or mental incapacity. The examination shall be conducted by a physician selected by the City; however, the employee may select his or her own physician, upon approval by the Human Resources Director. The cost of this examination will be paid by the City.

Failure of an employee to submit to an examination may be cause for dismissal. If the examining physician finds the employee is no longer mentally and/or physically able to perform the essential functions of the position, the employee may be separated from City service. The Human Resources Director, in discussions with the employee and the physician, shall determine if reasonable accommodation can be made to assist an otherwise qualified employee in performing the essential functions of his or her job. Reasonable accommodation must be requested and approved in accordance with Article II.G.5 of these Personnel Policies and Procedures.

3. Appeal: A separation, transfer, or demotion in lieu thereof, based on disqualification may be appealed in accordance with Article VIII. Grievance and Complaint Resolution Procedures. However, the appeal shall not prevent the separation or other action in lieu thereof from becoming effective in accordance with this Article.

## G. Re-employment after Separation

An employee who separates from the service in good standing may seek re-employment with the City. Employees returning within a six (6) month period, may do so without competitive examination, provided they are returning to a position at or below the classification held at the time of separation and the employee meets the minimum qualifications for the position. An employee who has been terminated for cause is not eligible for rehire in the City during the five years subsequent to their termination.

## H. Disciplinary Action

1. Provisions: Discipline, up to dismissal, is designed to be corrective and should be progressive. A regular employee whose work performance is substandard or who engages

in activity which reflects poorly on the service may be disciplined for cause. All regular employees have the right to appeal any disciplinary action through the grievance procedure outlined in Article VII.

The written document shall include the following, and copies of all documentation related to the disciplinary action will be maintained in the employee's file in the Human Resources Department:

a. Specific violation or deficiencies of employee's performance.

b. Recommended improvement.

c. The period of time in which improvements must occur.

d. The resulting actions to be taken if the employee's performance does not improve or the employee violates work rules again.

2. Causes for Disciplinary Action: Any action which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of municipal government functions, may be considered good cause for disciplinary action against any employee of the City. Circumstances constituting cause for disciplinary action must be a matter of record. Major causes for disciplinary action are listed below.

a. Failure to perform duties as assigned.

b. Insubordination.

c. Solicitation or taking of a fee, gift, or other valuable thing, in the course of duty or in connection with it.

d. Intentional damage to, or gross negligence in the care and handling of City property and supplies, causing damage or waste.

e. Misappropriation of City property.

f. Conviction or a finding of guilt, or a plea of guilty or no lo contender to:

1) a felony;

2) a crime involving the illegal use, possession or sale of a weapon or a controlled substance;

3) an assault causing injury; or

4) an offense the conviction of which would impact on the ability of the employee to perform the functions of his or her position with the City; regardless of the sentence rendered, and regardless of whether or not imposition or execution of sentence is suspended. Upon being charged with any of the offenses listed in (1) through (4), above, the employee may be suspended without pay pending resolution of the charges. If the charges do not result in a conviction, finding of guilt or plea of guilty or no lo contendere, the employee will be reinstated with back pay and all accrued benefits. If the charges do result in a conviction, finding of guilt or plea of guilty or nolo contendere, the employee may then be

subject to additional discipline.

g. Lying to superiors or falsification of City records.

h. The consumption or use of or being under the influence of intoxicating beverages or illegal drugs during the employee's work shift, including meal or other break periods or while on City property.

i. Excessive absenteeism, absence without good cause, or failure to report after a leave of absence has expired or has been revoked or canceled.

j. The use of City property for personal purposes.

k. Willful violation of the provisions of the Charter and these Personnel Policies and Procedures or department rules.

l. Driving a City vehicle without a valid driver's license or commercial driver's license.

m. Disregard for City safety policies.

n. Unauthorized use of City vehicles.

o. Conflict of interest.

p. Unauthorized outside employment.

q. Filing a grievance or complaint against a City employee or officer, which the filing employee knows to be false.

r. Bring into or on a work location a weapon, without permission of the Department Head.

s. Threatening, fighting with, intimidating, coercing, or abusing other employees or officers of the City of Independence, or provoking such action by others.

t. Engaging in a strike, sabotage, or slowdown.

u. Acts detrimental to the public interest.

v. Deliberate discourtesy and rudeness toward the public.

w. Any other act of dishonesty, gross misconduct, or neglect not listed above, and any just cause, including the good of the service.

3. Types of Disciplinary Action: Supervisors shall consider the type and severity of the offense, the employee's work record and other circumstances surrounding the employee's performance in determining appropriate disciplinary action. Immediate disciplinary action can be taken against an employee for violation of any items listed in the preceding subsection. If the need arises to remove the employee from the job for the employee's own safety as well as for the good of the City, the employee may be immediately suspended without pay pending a decision of final disciplinary action to be taken. This action does not preclude the employee's right to due process. Such action may be grieved in accordance with Article VIII of these Personnel Policies and Procedures.

Types of disciplinary action with increasing severity include:

a. Verbal Reprimand - Upon the first indication of substandard performance or for violation of a work rule, the employee's supervisor shall advise the employee of the unsatisfactory performance and recommend specific areas of improvement. In the case of a work rule violation, the supervisor should instruct the employee of the proper work rules and procedures.

b. Written Reprimand - If the employee's performance continues at a substandard level, the supervisor shall advise the employee through a written reprimand which shall be reviewed by the Human Resources Director. The written reprimand shall be placed in the employee's personnel file in the Human Resources Department. The written reprimand shall be signed by the employee and the supervisor. The employee's signature shall indicate receipt of a copy and not necessarily acceptance of the contents. The employee's refusal to sign the written reprimand will not constitute reason for not placing the reprimand in the personnel file.

c. Service Probation - An employee may be placed on service probation. If service probation is due to poor performance, the supervisor must prepare an action plan for improved performance with the request for a service probation period. If improvement is not made, the employee maybe terminated. The action must have the approval of the Human Resources Director and City Manager.

d. Suspension - The City Manager, upon recommendation from the Department Head and Human Resources Director, may, for cause, suspend an employee without pay for a period not to exceed thirty (30) calendar days. An employee who is suspended shall be given written notice, and the reasons for such action. A copy shall be retained in the employee's personnel file.

e. Reduction in Pay - The City Manager, upon recommendation from the Department Head and the Human Resources Director may, for cause, reduce an employee's pay by no less than one percent (1%) and no more than fifteen percent (15%) for a period not to exceed twelve (12) consecutive months. Pay may not be reduced below the minimum of the range.

f. Demotion - A Department Head may, for cause, and with the approval of the City Manager, demote an employee to a lower classification. Future restoration of the employee to the original position will follow normal promotional procedures, except that the demoted employee must spend a minimum of twelve (12) consecutive months in the lower classification before competing for promotion back to the original classification.

g. Termination - See Section B of this Article.

## I. Conflict of Interest

Employees shall not engage in any business or transaction or have a financial or other private interest which is in conflict with their official duties. These paragraphs, as set forth are over and above Section 5.3 of the Charter. An employee engaged in outside employment must advise the

Department Head of his or her outside employment by completing the appropriate form. A copy of this form shall be filed with the Human Resources Department. If it is discovered that the outside employment conflicts with the employee's City duties, the problem will be reviewed by the Department Head and the Human Resources Director, and a recommendation will be made to the City Manager. A conflict could result in the employee's dismissal from City service.

1. No employee shall appear on behalf of private interests before any officer, department or agency of the City.

2. No employee shall disclose confidential information concerning the property, government, or affairs of the City. No employee shall use such information for financial benefit or other private use which creates a conflict with his/her official duties nor carry on the practices which could be perceived to reflect discredit on the City.

3. No employee shall engage in or accept private employment or render services for private concerns when the employment or service is incompatible with his or her official duties.

4. No employee shall invest or hold any investment directly with any business, commercial or private, which creates a conflict with official duties.

## ARTICLE VII. GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURE

**A. The procedure is to be used by employees and management to resolve concerns about the way employees are treated that occur during the course of City business. Such concerns will be processed as either a complaint or a grievance. Employees, supervisory and management personnel are encouraged to contact the Human Resources Department for advice, at any point in the process, to facilitate a resolution to the complaint or grievance.**

**B. A complaint is any concern an employee may have about the terms or conditions of their employment which they want to discuss with supervisory or management personnel. Discussion about an employee's concern is to start with the employee's immediate supervisor. If the employee is not satisfied with the result of the discussion at that level, they may request to meet with the next level of supervision to discuss the concern further. This may include meetings, as may be appropriate, with the employee's division head, Department Head, and the City Manager. There are no time limits for such discussions to occur. An employee may bypass any level of the complaint process when the complaint involves the supervisor at that level (i.e., the employee's immediate supervisor, the Department Head, etc.) and it is believed that discussion of the complaint with that supervisor would be ineffective.**

**C. A grievance involves the application or interpretation of the terms and provisions of these Personnel Policies and Procedures. Grievances will be settled by utilizing Steps 1 through 4 identified below.**

**D. Grievances involving alleged discrimination or sexual harassment may be filed**

**directly with the Human Resources Department.**

**E. No employee shall be harassed, intimidated, or discriminated against as a result of providing information regarding or filing a grievance or complaint. If the employee feels that he or she has been subjected to such treatment, the employee shall have the right to appeal directly to the Human Resources Department.**

**F. Grievance Procedure**

1. Step 1. Informal If one or more employees have a grievance, the employee(s) will attempt to settle the grievance with their immediate supervisor. This Step of the grievance procedure must be completed prior to proceeding to Step 2. The grievance must be presented to the immediate supervisor within fourteen (14) calendar days of the date on which the cause of the grievance was known to the employee or could reasonably be expected to have been known. If not presented within the required time, the matter will be considered dropped. The immediate supervisor will have seven (7) calendar days to respond to the grievance.

2. Step 2. Intermediary If no agreement is reached with the immediate supervisor, the grievance may be submitted to the Department Head, within seven (7) calendar days thereafter. At this Step the grievance must be in writing. The written grievance shall specify the provision of the Personnel Policies & Procedures violated and the remedy requested. Appropriate documentation must also be submitted. Grievance forms are available from the Human Resources Department. The employee(s) may have their representative accompany them in their contact with the Department Head. The director will respond, in writing, within seven (7) calendar days after the filing of the grievance.

3. Step 3. Formal In cases where the employee is not satisfied with the decision to a grievance by the Department Head at Step 2, the following formal grievance process may be invoked.

   a. Within seven (7) calendar days of the director's decision, the employee may present a written request for a formal grievance review to the City Manager. All informal and intermediary processes must first be exhausted, except as otherwise set out in this Article. Documentation shall be submitted supporting the employee's position regarding the grievance.

   b. The City Manager will, within seven (7) calendar days, respond to a formal grievance by making a determination based on the information presented or by referring the grievance to an administrative hearing. The following will be the administrative hearing process.

      1) Selection of the Hearing Officer - The administrative hearing officer will be appointed by the City Manager.

      2) The Human Resources Director will schedule the administrative hearing date within five (5) days of the selection of the hearing officer. The administrative hearing will take place as soon as practicable thereafter. With the consent of both the employee and City, the administrative hearing can occur at times other than regular work hours.

3) The employee and department will provide the Human Resources Director a list of witnesses, including a summary of their testimony, and evidence being presented. Copies of all information and correspondence relating to the grievance must be submitted to the Human Resources Director, by both the employee and Department Head.

4) The Human Resources Director will have available witnesses and evidence required by the hearing officer. All other witnesses and evidence will be the responsibility of the employee or Department Head.

5) A record will be made of the review hearing.

6) The hearing officer will conduct the hearing according to procedures established by the Human Resources Department, allowing each side the opportunity to explain their position and present evidence. The hearing officer may make such orders prior to and during the hearing as are necessary to enable the hearing officer to act effectively.

7) Based on the facts presented, the hearing officer will make a recommendation to the City Manager for the resolution of the case within fourteen (14) calendar days following the hearing.

8) The City Manager will have final authority to render a decision at this step. The City Manager will notify the employee and the Department Head of the hearing officer's recommendation and of the City Manager's decision. This notification will occur within fourteen (14) calendar days of receipt of the hearing officer's recommendation.

9) All grievance records and correspondence will be maintained in the Human Resources Department.

4. Step 4. Personnel Board Appeal In cases where the employee is not satisfied with the decision to a grievance by the City Manager at Step 3, the following formal grievance appeal process before the Personnel Board may be used. This grievance process shall not apply to cases involving layoff, suspension without pay for more than ten (10) workdays, demotion, or termination from City service. These grievances would be processed in accordance with Section VIII.G. of this Article.

a. Requests must be filed in writing with the Human Resources Director. If a request for hearing before the Personnel Board is not delivered within fourteen (14) calendar days, the grievance will be considered abandoned.

b. Within seven (7) calendar days of receipt of the employee's request for a Personnel Board hearing, the Human Resources Director will contact the Personnel Board Members to set a hearing date. The hearing will be held in a timely manner. Notice of the time and place of the Board hearing will be given not less than seven (7) calendar days in advance to the employees and the Department Head. The Board will be furnished all files, depositions and other information requested for use in reviewing the case. Within fourteen (14) calendar days after the hearing, the Board will present their recommendations regarding disposition of the grievance.

c. Decision of the Personnel Board - The Personnel Board will have authority to decide the facts and to apply and interpret the provisions of the Personnel Policies and Procedures Manual. The Board will have no power to add to, subtract from or modify any of the terms of the Personnel Policies and Procedures. The Personnel Board will have no power to establish or change any wage rates.

**G. Cases of non-probationary employees regarding layoff, suspension without pay for more than ten (10) workdays, demotion or termination from City service will be referred directly to the Personnel Board upon the employee's request for such a hearing. The procedure for processing these cases is the same as that identified in Section VIII.F., Step 4 a through c of this Article.**

**H. Failure of the employee to conform with the time limits specified in this Grievance Procedure will deem the grievance abandoned. Failure of supervision or management to conform with the specified time limits, will allow the grievance to proceed to the next step in the process. To allow for resolution and upon mutual consent of the parties, as evidenced by a written and signed agreement, a time extension may be authorized at any step in the grievance process.**

**I. The Director may, when unavailable, appoint another person to act in his or her stead, and this person will have full power to act in all matters arising under this Article.**

**J. Employees who are witnesses or representatives for the grievant will not be compensated for the time spent preparing for the grievance or in a hearing that occurs outside the employees normal working hours. An employee will be compensated, when directed to attend a grievance hearing by the City.**

## ARTICLE VIII. DRUG AND ALCOHOL POLICY

### A. Policy

Under Federal law the City is required to provide its employees with a drug-free workplace. The City recognizes that drug and alcohol abuse are disorders which can be treated. It is the purpose of the City to encourage employees to seek prompt professional assistance in order to resolve drug and alcohol abuse problems before work performance is affected. The City intends to give the same consideration to employees who suffer from drug or alcohol abuse as it would give to employees suffering from any other illness or injury, subject to the further provisions of this Article.

### B. Definitions

Unless the context specifically indicates otherwise, the following terms as used in this Article, are defined as follows:

**Alcohol** means alcohol consumed for beverage purposes; alcoholic, spirituous, vinous, or fermented, malt, or other liquors; a combination of liquors, a part of which is spirituous, vinous, or fermented; and all preparations or mixtures for beverage purposes containing alcohol.

**Alcohol-related or drug-related** offense means any violation of a State statute or local ordinance which involves physically driving or operating or being in actual physical control of

a motor vehicle while under the influence of alcohol, an illegal drug, or controlled substance, or drug, or any combination thereof, or the possession, manufacture, transportation, use or sale of alcohol or drugs which possession, manufacture, transportation, use or sale is prohibited by state or federal statute or local ordinance.

**Applicant** means any individual who has submitted an application for employment with the City, whether written or oral, including any current employee of the City who has submitted an application for a position not currently held by the employee, whether or not being hired into the position would be a promotion for the employee.

~~**Controlled substance** means any drug or other substance included in Schedules I, II, III, IV, or V of the Controlled Substances Act of 1970, 21 U.S.C.§§801, et seq., as such may be amended from time to time.~~

**Drug** means any controlled substance, alcohol, steroids, and any other drug or medication that can interfere with employment performance.

**Employee** means any person being paid directly by the City to perform services for the City-on- City property or under supervision by the City, including individuals performing services directly under contract with the City, and any person paid by another entity to perform work on City property and who is directly supervised by City staff, whether full-time or part-time, and whether temporary, probationary or permanent.

**Illegal drug** means any drug which is (a) not legally obtained, or (b) which is legally obtainable but has not been legally obtained. This definition further includes any drug requiring a medical prescription, to include medical marijuana as allowed for by State law (for non-DOT regulated positions), for which an employee does not have a lawful medical prescription; and any other drug listed as controlled substances in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and further defined in regulation 21 CFR 1308.11-13.08.15. (This definition explicitly excludes the legal use under Missouri State Law of Medical Marijuana for non-DOT regulated positions).~~any drug which is (a) not legally obtainable, or (b) which is legally obtainable but has not been legally obtained.~~

**Impaired ~~e~~Employee** means any employee who exhibits behavior in the workplace which gives the employee's supervisor reasonable cause to believe that the employee is unable to perform the ~~requirements~~ essential functions of ~~his or her~~ their job as a result of drug or alcohol use, or whose behavior while ~~on~~ conducting business for the City gives a Human Resources Representative, Supervisor, or law enforcement officer who have completed the required training on identifying the symptoms of alcohol or drug impairment reasonable cause to believe the employee is under the influence or impairment of alcohol or drugs, or whose behavior when reporting for a work-related physical gives the attending physician reasonable cause to believe that the employee is under the influence or impairment of alcohol or drugs. Reasonable cause to believe that an employee is impaired by drugs or alcohol may consist of:

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(1) a severe decline in job performance; (2) abnormal or erratic behavior; (3) actions exhibiting impaired judgment or reflexes; (4) direct observation of drug or alcohol possession or use; (5) physical symptoms of drug or alcohol use, such as glassy or bloodshot eyes, odor of intoxicants on breath, slurred speech, poor balance, poor coordination, dilated pupils or impaired reflexes;

(6) an accident where the employee's impairment appears to be a contributory factor; (7) behavior which creates a risk of injury to the employee, co-workers, the public or property; (8) or behavior which disrupts the conduct of City business and any other symptom or combination of symptoms covered in required alcohol or drug impairment training but not specifically mentioned in this section.

**Legal** drug means both prescribed, over-the-counter, and those drugs deemed legal by State or Federal law, which have been obtained in a legal manner. ~~and over-the-counter drugs which have been legally obtained, and which are being taken in prescribed or recommended quantities for the purpose for which they are prescribed, manufactured or compounded.~~

**Motor vehicle** means any self-propelled vehicle.

**Negative drug** test means that initial testing or confirmation testing does not show evidence of an Illegal Drug or any drug that could disqualify the individual from holding their current position of employment or obtaining employment with the City~~a drug tested for under this policy in a person's system~~.

**Positive drug test** means that a confirmation drug test shows positive evidence of the presence of an Illegal Drug or any drug that could disqualify the individual from holding their current position of employment or a position for which they are applying~~that a confirmation drug test shows positive evidence of the presence of a drug tested for under this policy. For alcohol, a positive drug test is a breathalyzer or blood analysis which shows a blood alcohol content of .04 percent or greater~~.

**Safety Sensitive Function** means any of those on-duty functions set forth in 49 CFR 395.2, including, but not limited to, waiting to be dispatched; inspecting, servicing, or conditioning a commercial motor vehicle; all driving time; all time in or upon any City motorized vehicle; all time loading and unloading a vehicle; and all time repairing, obtaining assistance, or remaining with a disabled vehicle. For the purposes of this policy, safety-sensitive functions shall also include operation of any motor-driven equipment whether or not such operation requires a CDL.

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**Safety Sensitive Position** means DOT-regulated positions, any position that requires the regular performance of safety sensitive tasks, and any position involving the performance of duties that could have a direct and immediate impact on the safety of the public and other public employees, including, but not limited to operating a City vehicle, operating a personal vehicle while engaging in City business, operating motor-driven equipment, working directly with children, guarding a pool or waterfront, working with power tools, equipment, or machinery, working with hazardous or caustic chemicals, or performing a function where significant injury could result from employee error. Examples include, but are not limited to CDL drivers, police officers, emergency medical service providers, firefighters, law enforcement officers, any position of which public safety emergency dispatch operations are, or may be, required, childcare providers, lifeguards, chemists, and any position which involves the regular performance of safety sensitive functions.

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**Substance** abuse means the use of any substance (alcohol, legal and illegal drugs) to the degree that the user experiences physical, emotional, or social complications which threaten the

health, safety, well-being or performance of the individual or fellow employees.

**Under the influence** means employees detected with drugs (legal or illegal) within the established limits.

Employees will be deemed under the influence of alcohol where the alcohol level is at or above .04 percent.

Employees will be deemed under the influence of marijuana/THC when the oral fluid test is at or above 3 ng/mL

**C. ~~Use, Possession or Sale of Alcohol and/or Drugs Prohibited~~Prohibitions**

1. Employees are prohibited from reporting to work while under the influence of alcohol or illegal drugs or impaired by the use of alcohol or drugs (legal or illegal);
2. Employees are prohibited from using or possessing alcohol or drugs or being under the influence or impairment of alcohol or drugs on City premises, while using City equipment, while performing City business, or during working hours, except for over-the-counter medications taken as per package directions or medications prescribed by a treating physician that do not impair the employee's ability to safely and competently perform their job duties;
3. Employees are prohibited from consuming alcohol within four (4) hours of reporting for duty;
4. Employees are prohibited from consuming marijuana within eight (8) hours of reporting for duty;
5. Employees are prohibited from possessing, manufacturing, selling, distributing, or dispensing alcohol, marijuana/THC, or illegal drugs for sale or consumption during the employee's working hours and/or while on City premises.
    a. This paragraph, however, shall not be applied to prevent the consumption or possession of alcohol or the possession of marijuana/THC or illegal drugs by a police officer when it is necessary to perform their duties as a police officer.
    b. Any employee convicted of or who pleads guilty to an alcohol-related or drug-related offense occurring on City premises, while using City equipment, while performing City business or during the employee's working hours, must notify the Human Resources Director no later than five (5) days following such conviction or guilty plea, regardless of the sentence imposed. Failure to notify the Human Resources Director of such conviction or guilty plea can be cause for termination.
    c. Any person convicted of or who pleads guilty to an alcohol-related or drug related offense occurring while on City premises, on City business, or during the employee's working hours may be subject to discipline up to and including termination.

~~Employees are forbidden to report for work while under the influence of alcohol or drugs. Employees are forbidden to use or possess alcohol or drugs or be under the influence of alcohol or drugs on City premises, while using City equipment, while performing City business, or during~~

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~~working hours, except for over the counter medications taken as per package directions or medications prescribed by a treating physician. No employee shall manufacture, sell, distribute, or dispense alcohol or drugs while on City premises or during the employee's working hours. This paragraph, however, shall not be applied so as to prevent the consumption or possession of alcohol or the possession of illegal drugs by any police officer when such consumption or possession is necessarily incident to the performance of his or her duties as a police officer. Any employee convicted of, or who pleads guilty to, an alcohol-related or drug-related offense occurring on City premises, while using City equipment, while performing City business or during the employee's working hours, must notify the Human Resources Department no later than five days following such conviction or guilty plea, regardless of the sentence imposed. Failure to notify the Human Resources Department of such conviction or guilty plea can be cause for termination. Any person convicted of, or who pleads guilty to, an alcohol-related or drug related offense occurring while on City premises, or on City business, or during the employee's working hours may be subject to discipline up to and including termination.~~

**D. Submission to a Drug Test Required**

The City may require testing of an employee or applicant under the circumstances set out below. Such testing may include blood testing, breath analysis, and urinalysis.

1. Pre-employment Testing:
   a. Every new applicant for a position with the City will be required to submit to a test for illegal drugs prior to employment with the City.
   b. When any City employee is promoted or rehired to any of the positions listed below, that employee will be required to submit to a test for illegal drugs.
      1) Police Department: Police Chief, Assistant Police Chief, Police Major, Police Captain, Police Sergeant, Police Corporal, Police Officer, Lead Police Dispatcher, Police Dispatcher, Warrant Service Officer, Police Detention Officer, Parking Enforcement Officer, Police Identification Officer, Police Evidence Technician, Police Chemist, Property Clerk, Reserve Police Officer.
      2) Fire Department: ~~-~~Fire Chief, Deputy Fire Chief, Assistant Fire Chief, Battalion Fire Chief, and Lead Fire Dispatcher.
      3) All positions in which the employee must maintain a commercial driver's license as a condition of ~~his or her~~their employment with the City.
      4) The director and assistant director of any City department, the City Manager, and Assistant City Manager(s).
      5) Any position for which a pre-employment physical examination is required.
      ~~5)~~6) Any position deemed a Safety Sensitive Position.
   c. When any position which requires drug testing as part of the hiring process is posted or advertised, the posting or advertisement shall state that drug testing will be required as part of the hiring process.
2. Unscheduled (Random) Testing: Employees in the job positions listed below will

be subject to unscheduled (random) testing. Individual employees will be selected for unscheduled testing on a random basis by use of a computerized random selection software process under the direction and control of the Human Resources Department. In the selection process, employees will be identified by a number, with no reference to their name.

a. Police Department: Police Chief, Assistant Police Chief, Police Major, Police Captain, Police Sergeant, Police Corporal, Police Officer, Lead Police Dispatcher, Police Dispatcher, Warrant Service Officer, Police Detention Officer, Parking Enforcement Officer, Police Identification Officer, Police Evidence Technician, Police Chemist, Property Clerk, Reserve Police Officer.

b. All positions in which the employee must maintain a commercial driver's license as a condition of their employment with the City.

c. Any employee who has been convicted of or pleaded guilty to a drug or alcohol related offense may be subject to a reasonable program of unscheduled drug and/or alcohol testing for 12 months immediately following the conviction, guilty plea or return to work.

~~c.~~d. Any position deemed a Safety Sensitive Position.

3. Reasonable Cause. Any employee may be directed to report for drug and/or alcohol testing when the employee's supervisor has reasonable cause to believe that the employee is an impaired employee. A supervisor making a reasonable cause referral must fill out a physical condition report before making the referral. The report shall be taken immediately to the Director of Personnel for approval of the referral. The Director of Personnel shall make the contents of the report available to the testing agency. A videotape or audiotape recording, or other nonintrusive physical documentation (such as photographs) of an employee's behavior may be made for purposes of substantiating a reasonable cause determination. The employee must be informed that the videotape or other physical documentation is being made.

4. Post Accident. Any employee may be directed to report for drug and/or alcohol testing when the employee has been involved in a work-related accident or incident: (1) while the employee was operating a motor vehicle while on City business, or (2) where there is reasonable cause to believe that the employee was an impaired employee at the time of the accident.

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a. While the employee was operating a motor vehicle while on City business, or

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b. Where there is reasonable cause to believe that the employee was an impaired employee at the time of the accident.

c. Employees shall not consume alcohol within two (2) hours immediately following a vehicular accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. This does not supersede the Prohibitions outlined in Article VIII: Section C.

~~4.~~d. Employee shall not consume marijuana within two (2) hours immediately following a vehicular accident or until the employee underdoes a post-accident marijuana test,

whichever occurs first. This does not supersede the Prohibitions outlined in Article VIII: Section C.

**E. Drugs to be Tested For**

When any employee or applicant is required to be tested under the provisions of this policy, the test may include screening for any one or more of the following drug groups:

| Drug Group | Examples |
|---|---|
| a. Alcohol | |
| b. Amphetamines/Methamphetamines | Speed, Crank, Crystal, Preludin, Bennies |
| c. Barbiturates | Amobarbital, Butobarbital, Secobarbital, Downers, Red Devils, Barbs, Goof Balls |
| d. Cocaine | Coke Crack, Flake, Snow |
| e. Opiates | Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone |
| f. Phencyclidine | PCP, Angel Dust, Wack, Water |
| g. Cannabinoids (THC) | Pot, Marijuana, Hash |

**F. Refusal to Consent to and Submit to Testing**

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An applicant who refuses to submit to a drug and/or alcohol test will not be hired for the position for which the applicant has applied. An employee who refuses to submit to any drug and/or alcohol test required under this policy is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

**G. Drug Testing Procedure:**

1. Consent. Before a drug and/or alcohol test is administered, the employee or applicant to be tested will be required to sign a form provided by the testing agency authorizing the test and permitting release of test results to the City Human Resources Director. The form will contain space for the employee or applicant to indicate current or recent use of a Legal Drug, prescription drug, or over-the counter medication and may direct the testing agency to contact the employee or applicant's treating physician for further information about the employee or applicant's use of such medication. This form shall not relieve the testing agency from liability for any damages the employee, applicant, or the City might suffer as a result of the negligence of the testing agency. Further, the admission of a Legal Drug, prescription drug, or over-the-counter medication will not negate position specific requirements as pertaining to Legal Drug use~~prescription or over-the-counter medication and may direct the testing agency to contact the employee's treating physician for further information about the employee's use of such medication. This form shall not relieve the testing agency from liability for any damages the employee or the City might suffer as a result of the negligence of the testing agency~~.

2. Drug Testing Laboratory. When drug and/or alcohol testing is performed using urine or blood samples, the testing of the samples will be performed only by independent drug testing laboratories accredited by the National Institute on Drug Abuse (NIDA). Urine and blood samples will be taken at a site off City premises, as designated by the testing laboratory.

3. Chain of Custody. The chain of custody of any blood or urine sample which is collected shall be protected by a drug testing custody and control form.

4. Urine Testing. The urinalysis test will consist of both an initial screening test and a confirmation test (to be administered if the screening test results are positive). Test methods used will be those methods approved by the State of Missouri Department of Health as set out in the Missouri Code of State Regulations.

5. Blood Testing. Blood specimens will be analyzed by using the Gas Chromatography Mass Spectroscopy (GCMS) test, or any other method approved by the State of Missouri Department of Health as set out in the Missouri Code of State Regulations.

6. Breath Analysis. A Breath analysis may be used where reasonable cause is found to believe that an employee is under the influence of alcohol at work. Such test shall be conducted in the manner set out in the Missouri Code of State Regulations.

7. Mouth Swab Drug Test. Also known as oral fluids drug tests, saliva drug tests, and oral swab tests.

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~~7.~~8. Tampering with Testing Sample. If it is determined that an employee has tampered with or adulterated a testing sample, or submitted a false sample, the employee will be terminated.

An applicant who has tampered with or adulterated a test sample, or who has submitted a false sample, will not be hired by the City.

## H. Confidentiality of Testing Information

All information regarding the testing of applicants and employees shall be a closed record. Laboratory and test results shall not be placed in an employee's general personnel file but shall be kept in separate folders that will be kept under lock and key under the control of the Director of Personnel, or any person serving in that capacity by approval of the City Manager. Test results will be released to the tested employee, upon the employee's request. Test results may be released to the following persons to the extent necessary for them to carry out their duties with the City: The employee's Department Head, the City Manager, a hearing officer appointed as part of the City's formal grievance procedure, the Law Department, the Personnel Board, and the City Council. Disclosure without employee consent is also authorized if: (a) Production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; or (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and she or he is unable to authorize disclosure.

## I. Consequences of a Positive Drug and/or Alcohol Test Result

1. Applicants: Job applicants will be denied employment with the City if drug and/or alcohol tests administered pursuant to this policy show: (1) That the applicant is under the influence of alcohol; or (2) the applicant has a confirmed positive test for the presence of an Illegal Drug; or (3) the applicant has a confirmed positive test for any drug that would disqualify the applicant from the position for which they applied~~a drug tested for under this policy~~.

2. Employees: If an employee is found to be under the influence of alcohol or has a confirmed positive test result for an Illegal Drug or any drug that would disqualify the employee from their current position, the employee is subject to disciplinary action up to and including termination~~a drug tested for under this policy, the employee is subject to disciplinary action up to and including termination~~. An employee may be removed from duty with pay pending receipt of the results of any test administered under this policy. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, severity of the employee's drug and/or alcohol problem as related to job duties, the employee's willingness, and ability to participate in a drug and/or alcohol rehabilitation program, and the existence of past disciplinary actions.

## J. Medical Review Officer

The City will provide an independent medical review officer, who will be a licensed physician with knowledge of substance abuse disorders, to review confirmed positive test results of an employee or applicant for the presence of a drug tested for under this policy that would disqualify the employee from their current position~~for the presence of a drug tested for under this policy~~.

The medical review officer will review and interpret the test results and will examine alternate medical explanations for any positive test result. This action could include: 1) conducting a medical interview with the employee; (2) review of the employee's medical history; and (3) review of any other relevant biomedical factors. The medical review officer will review all medical records made available by the employee when a confirmed positive test could have resulted from legally prescribed medication. The medical review officer will not, however, consider the results of blood or urine samples that are not obtained or processed in accordance with this policy.

The medical review officer will determine whether the employee's confirmed positive test result is:

(1) Verified; (2) consistent with legal drug use; or (3) scientifically insufficient. If the medical review officer determines that a test result is consistent with legal drug use or scientifically insufficient it shall be treated as a negative drug test by the City.

## K. Temporary Impairment Due to Use of Prescribed Drugs

Employees who must use a prescription drug that causes adverse side effects, such as drowsiness or impaired motor skills, must inform their supervisor that they are taking such medication on the advice of a physician. The supervisor may place the employee on sick leave or temporarily assign the worker to different duties, as the best interest of the service may dictate.

# ARTICLE IX. DEFINITION OF TERMS

Throughout these rules, the following words and phrases shall have the meaning indicated below, except where the context clearly indicates otherwise.

**ACTING CAPACITY** means an interim appointment in a position to fill an existing vacancy in the Classified or Unclassified Service.

**AMERICANS WITH DISABILITIES ACT (ADA)** means Federal regulations which require the City to make reasonable accommodation to qualified applicants and employees which enable them to participate in the employment process and provide access to equal employment opportunities.

**APPLICANT** is a person who has filed a formal employment application with the City Human Resources Department for employment by the City of Independence, Missouri.

**APPOINTING AUTHORITY** means the City Manager or the City Council as provided by the City Charter.

**APPOINTMENT** refers to the employment or assignment of a person to a position in the Classified or Unclassified Service who has been qualified for appointment and certified through an assembled or unassembled examination.

**APPOINTMENT RATE** means the pay rate at time of appointment, which is usually the minimum rate of a pay range.

**APPROPRIATION** is an authorization made by the Council that allows the City to incur obligations and to make expenditures of resources for the procurement of goods and services.

**ASSEMBLED EXAMINATION** means a written, oral, performance, assessment center, or physical agility test held at a specified time and place which is used to determine the relative fitness and ability of applicants.

**BOARD** means the Personnel Board of the City of Independence, Missouri, appointed by the City Council, the duties of which are specified in the City Charter, Section 3.29.

**BREAK IN SERVICE** is any lapse of working time between the official separation of an employee and his or her subsequent re-employment.

**CANDIDATE** means an applicant who is being evaluated for eligibility for employment.

**CATASTROPHIC, DEBILITATING, OR LONG-TERM ILLNESS OR INJURY** means an injury or illness of the employee that is unanticipated, non-job related, not willfully self-inflicted. Such illness or injury does not included ailments such as the flu, colds, virus, doctor, or dentist appointments, or for attending to or caring for family members.

**CERTIFICATION** means the act of the Human Resources Director in qualifying eligible candidates for review and recommendation for appointment.

**CHARTER** means the Charter of the City of Independence, Missouri.

**CLASSIFICATION** refers to one or more positions sufficiently alike in duties, authority, and responsibilities, and having similar minimum qualifications and assigned the same pay range.

**CLASSIFICATION PLAN** is a plan classifying all positions on the basis of their

respective duties, authority and responsibilities, and designating the minimum requirements.

**CLASSIFIED SERVICE** includes all positions in the municipal service, except those specified under "Unclassified Service: in these definitions.

**COUNCIL** means the City Council of Independence, Missouri.

**COMPENSATORY TIME** is time granted in lieu of payment of overtime to be taken off from work.

**COMPENSATION RANGE** is the minimum rate to the maximum rate of pay established for a classification.

**COMPENSATION PLAN** - see **PAY PLAN**

**COMPLIANT** is any concern an employee may have about the terms or conditions of their employment or department rules and regulations which does not constitute a violation of these policies and procedures or any provision of a work agreement.

**CONTINUOUS SERVICE DATE** is the effective date of an employment appointment or a reemployment, whichever is later.

**DEMOTION** means the voluntary or involuntary movement of an employee from one classification to a classification with a lower pay range.

**DEPARTMENT HEAD** is the head of any operating or support service department.

**DISMISSAL** means the involuntary separation of an employee for cause. See termination.

**DISQUALIFICATION (of APPLICANT)** means determination of the Human Resources Director to reject an application for reasons indicated in these policies and procedures.

**DISQUALIFICATION (of an EMPLOYEE)** means an involuntary, no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the essential duties and responsibilities of the position.

**EFFECTIVE DATE** is the date when a personnel action takes effect; in the case of separation, the employee's last day of work, exclusive of accrued vacation leave, or compensatory time.

**ELIGIBLE CANDIDATE** is a person who meets minimum qualifications for a position, has passed an examination and whose name is placed on an eligibility list.

**ELIGIBILITY LIST** is a list of applicants who have met the requirements for a given classification in the Classified Service.

**EMERGENCY** refers to any condition where the health, safety and services to the citizens of Independence are disrupted or threatened to the extent that physical damages to property, or injury to citizens can occur, or the welfare of the citizens of the City are endangered.

**EMERGENCY APPOINTMENT** is an appointment made to meet the immediate requirements of an emergency situation.

**ENTRY RATE** means the minimum pay rate of any pay range.

**EXEMPT EMPLOYEE** is an employee who works in an administrative, management, supervisory, or professional classification which is paid a salary, and the employer is not required to pay overtime.

**FAIR LABOR STANDARD ACT(FLSA)** is Federal legislation which regulates hours of work and pay.

**FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)** is Federal legislation which requires employers to provide eligible employees up to twelve (12) weeks of leave for certain types of leave required for a serious medical condition, to care for a spouse or child suffering a serious medical illness, or to care for a newborn, or an adopted or foster child who has been placed with the employee.

**FRINGE BENEFITS** are vacation, holiday, sick leave, payments for injuries or sickness received in the line of duty, health insurance, disability pay, pensions, termination pay, uniform and equipment allowance, dependent's benefits, longevity pay, and any other financial or economic benefits provided to employees.

**FULL-TIME POSITION** is one in which the employee is scheduled to work at least forty (40) hours per week or is scheduled to work eighty (80) hours in two (2) weeks under an authorized special work schedule.

**GENERAL SERVICE EMPLOYEE** means an incumbent of a position in the Classified and Unclassified Service other than those hereinafter designated and defined as "Public Safety Employees."

**GRIEVANCE (or APPEAL)** is an action taken by an employee which alleges a violation involving the application or interpretation of the terms and provisions of these Personnel Policies and Procedures or any provision of a Work Agreement.

**HUMAN RESOURCES DEPARTMENT** division that oversees all things related to managing an organization’s human capital.

**HUMAN RESOURCES DIRECTOR** is a trained, experienced personnel professional in human resources who directs the City Human Resources Department and follows appointed duties as outlined in the City Charter, section 3.26.

**IMMEDIATE FAMILY** shall mean: spouse, mother, father, sister, brother, daughter, son, mother/father-in-law, sister/brother-in-law, son/daughter-in-law, grandparents, spouse's grandparents, grandchildren, step mother/father, stepbrother/sister, step son/daughter, step grandchildren and half-brother/sister. Immediate family as defined under the Family and Medical Leave Act (Article V, Paragraph b, 31c) shall include employee’s spouse, child or parent.

**INCUMBENT** is the current occupant of a position in the classified or unclassified service.

**INITIAL PROBATIONARY PERIOD** is a test period of actual service following original appointment or re-employment in an authorized position to determine recommendation for regular status or termination; based upon the employee's ability to meet acceptable standards of performance in that position.

**JOB DESCRIPTION** is a summary of duties, responsibilities, and qualifications for each position in the classified service. A job description is the official written account of an employment position.

**LAY-OFF** means the temporary suspension without pay of an employee when there is a projected shortage of work or a projected shortage of funds.

**LEAVE** is an authorized absence from regularly scheduled work hours which has been approved by proper authority.

**LIMITED POSITION** is a position which has a specified ending date, also referred to as a temporary position.

**LONGEVITY PAY** is a pay adjustment added to an employee's base pay based on his or her length of service.

**MERIT SYSTEM** assures the fair treatment of applicants and employees in all aspects of personnel administration. Provides for recruiting, selecting, promoting, and retaining employees on the basis of their relative ability, knowledge and skill, the guidelines for which are set forth in Section 3.25 of the Charter.

**MINIMUM QUALIFICATIONS** are the qualifications contained in the class specification which a person must possess in order to qualify or compete for a given position(s) in the classified or unclassified service.

**NEPOTISM** means the appointment or supervision of an employee by any City official or employee who is a member of their immediate family, which is prohibited by Section 5.11 of the Charter.

**NON-EXEMPT EMPLOYEE** is an employee who is entitled to overtime pursuant to the Fair Labor Standards Act and these Personnel Policies and Procedures.

**OUT-OF-POSITION** refers to a regular full-time employee temporarily assigned to perform all duties and assume responsibilities of a position with a higher salary range.

**OUTSIDE EMPLOYMENT** means any employment with an employer other than the City of Independence, including self-employment.

**PART-TIME POSITION** is a position in which an employee is scheduled to work fewer than forty (40) hours a week or less than the standard work week of others in the same classification or work unit.

**PAY PLAN (COMPENSATION PLAN)** is the listing of pay ranges for all positions in the classification plan.

**PAY RATE ADJUSTMENTS** are changes in pay as a result of any personnel action which affects the employee's pay status, such as a promotion or demotion.

**PAY DIFFERENTIAL** is a pay additive for working a late shift or for performing certain duties different from those defined in the classification specification, when approved by the City Manager.

**PERFORMANCE APPRAISAL SYSTEM** is an evaluation process for establishing

performance standards, providing feedback to employees, and determining effective job performance.

**PERFORMANCE APPRAISAL REPORT** is a written evaluation of the performance of an employee designed to inform the employee of the manner in which he or she is meeting expected work objectives established in the performance appraisal system.

**PERFORMANCE PAY INCREASE** means pay increases based on good work and successful achievement of expected work objectives justified by a performance appraisal report.

**POSITION** means a combination of duties and responsibilities as defined by the current job description for the classification, requiring the full-time or part-time employment of one person.

**POSTING** is a written announcement of a job vacancy.

**PROBATIONARY PERIOD** is a working test period following appointment or promotion in which an employee in the Classified Service must demonstrate his or her ability to successfully perform the essential functions of the position to which the employee has been appointed or promoted.

**PROMOTION** is the movement of an employee from one position to another position having a higher salary range.

**PROMOTIONAL EXAMINATION** is an examination which limits competition to employees in the Classified Service meeting the minimum qualifications for the position.

**PUBLIC SAFETY EMPLOYEE** refers to employees in the Police Department who are commissioned police officers and all employees in the Fire Department who have successfully completed required training for the Fire Fighter position.

**REASONABLE ACCOMMODATION** is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.

**RECLASSIFICATION** is the change, or movement of an employee in a position in one classification to another due to a change in duties or responsibilities.

**RECOMMENDING AUTHORITY** means the Department Head who recommends to the appointing authority actions to be taken regarding the employment of individuals to positions in the Classified or Unclassified Service.

**REDUCTION IN FORCE** is a reduction in the City work force necessitated by a material change in duties and the organization.

**REGULAR EMPLOYEE** is an employee who has met all requirements for a position, has been recommended by the appropriate department head and has been approved by the City Manager for regular status following satisfactory completion of the initial probationary period.

**REQUISITION (OR REQUEST) FOR PERSONNEL** is the process to request recruitment to fill a funded, vacant position.

**RESIGNATION** is the voluntary separation of an employee from City service.

**RETIREMENT** is when an employee leaves City service, who is vested in the LAGERS pension plan, and starts to receive benefits from LAGERS.

**SUSPENSION** means the temporary separation of an employee from City service with or without pay.

**TABLE OF ORGANIZATION** is a complete list of Council authorized positions in all departments at any point in time.

**TEMPORARY EMPLOYEE** is a person appointed to a position with a limited tenure, either full-time or part-time.

**TERMINATION** means the involuntary, permanent separation of an employee from the Classified or Unclassified Service of the City.

**TRANSFER** means the movement of an employee from one department or division to another, or from one position to another position of the same class-or another class, having the same salary range.

**UNASSEMBLED EXAMINATION** means a process consisting of an assessment of education and training, experience, work history, or any other job-related factors, and an employment interview by a recommending authority.

**UNCLASSIFIED SERVICE** means any person and position as listed in Section 3.30, paragraph (1), of the Charter:

- Councilmembers, the City Clerk, the Management Analyst, and such other personnel as may be elected or appointed by theCouncil;
- Municipal Judge or Judges, and the Clerk of the Municipal Court;
- City Manager, and Assistant CityManager(s);
- Directors of all departments;
- Members of each board, commission, or other pluralauthority;
- All personnel who serve without compensation; and
- Persons appointed or employed on a temporary basis to make or conduct a special audit, inquiry, investigation, study, examination, or installation, or to perform a temporary service subject to such exceptions, limitations, and regulations, as the Personnel Policies and Procedures may provide.

**VACANCY** means a position in the Table of Organization which is not occupied and for which funds have been budgeted.

**WORK(ING) AGREEMENT** is a formal agreement between members of a bargaining unit and the City which outlines mutually agreed upon rules for operation and conduct.