



## **City Employee Handbook**

Updated August-2016

## Table of Contents

	<u>Page</u>
Mission Statement.....	1
ARTICLE I - GENERAL .....	2
I-1    Employment Relationship.....	2
I-2    On-boarding.....	2
I-3    Administrative Responsibility.....	3
I-4    Department Regulations.....	3
I-5    Change in Policy.....	3
ARTICLE II - POSITION CLASSIFICATIONS.....	3
II-1    Position and Job Classification.....	3
ARTICLE III - EMPLOYMENT POLICIES .....	4
III-1    Non-Discrimination .....	4
III-2    Appropriate Clothing .....	4
III-3    Filling Vacancies .....	4
III-4    Promotion.....	4
III-5    Nepotism.....	4
III-6    Service Record.....	5
III-7    Time Worked .....	5
III-8    Non-Harassment Policy .....	5
III-9    Drug and Alcohol Policy for All Employees.....	6
III-10    Drug and Alcohol Abuse Policy for Safety Sensitive and Employees Required to Maintain a Commercial Driver's License .....	8
III-11    Telephone Use Policy .....	9
III-12    Email Policy.....	10
III-13    Internet and Software Policy.....	10
III-14    Social Media .....	11
III-15    Smoking and E-Cigarettes .....	11
III-16    Travel, Meeting and Related Expense Policy.....	11
III-17    Personal Use of City Equipment.....	14
III-18    Receipt of Gifts.....	14
III-19    Privileged Information.....	14
III-20    Endorsements.....	14
III-21    Reporting Fraud, Theft and Misuse of City Assets .....	14
III-22    Prevention of Workplace Violence.....	14
ARTICLE IV - COMPENSATION.....	17
IV-1    Pay Plan .....	17
IV-2    Salary Range New Employees.....	17
IV-3    Salary Increase .....	17
IV-4    Performance Evaluations .....	17
IV-5    Pay Days .....	17

## Table of Contents

	<u>Page</u>
IV-6 Standard Work Week and Work Periods .....	17
IV-7 Pay on Resignation or Termination .....	18
IV-8 Overtime Work and Compensatory Time .....	18
IV-9 Safe Harbor Policy .....	19
IV-10 Holiday Pay .....	20
IV-11 Longevity Pay .....	20
IV-12 On-Call Time .....	20
IV-13 Payroll Deductions .....	21
ARTICLE V - ATTENDANCE AND LEAVE .....	21
V-1 Hours of Work .....	21
V-2 Holidays .....	21
V-3 Vacation .....	22
V-4 Sick Leave .....	23
V-5 Personal Time .....	24
V-6 Funeral Leave .....	25
V-7 Injury Leave .....	25
V-8 Return to Work Policy .....	25
V-9 Maternity Leave .....	25
V-10 Military Leave .....	26
V-11 Civil Leave .....	26
V-12 Domestic Violence/Sexual Assault Leave .....	27
V-12 Other Leave .....	27
ARTICLE VI - STANDARDS OF CONDUCT AND CORRECTIVE ACTION .....	28
VI-1 Authority to Discipline .....	28
VI-2 Disciplinary Actions .....	29
VI-3 Subject to Disciplinary Action or Termination .....	30
ARTICLE VII - GRIEVANCE POLICY .....	32
VII-1 General Policy .....	32
VII-2 Grievance Procedure .....	32
ARTICLE VIII - SEPARATION .....	35
VIII-1 Absent Without Notification .....	35
VIII-2 Termination .....	35
VIII-3 Resignation .....	35
VIII-4 Retirement .....	35
VIII-5 Suspension from Duty .....	35
VIII-6 Layoff or Reduction in Work Force .....	36
ARTICLE IX - POLITICAL ACTIVITY, RESIDENCY, INSURANCE .....	36
IX-1 Political Activity .....	36

## Table of Contents

	<u>Page</u>
IX-2 Membership on Boards and Commissions .....	36
IX-3 Residency .....	36
IX-4 Insurance -- Employees.....	37
IX-5 Retiree Health Insurance.....	37
IX-6 Outside Employment .....	37
ARTICLE X - FAMILY LEAVE, MEDICAL LEAVE AND SERVICEMEMBER LEAVE .....	38
ARTICLE XI - CHAIN OF COMMAND .....	40
XI-1 Chain of Command.....	40
ARTICLE XII - POLICIES APPLICABLE TO PUBLIC SAFETY PERSONNEL (POLICE OFFICERS AND FIREFIGHTERS) ONLY .....	41
XII-1 Standard Work Period for Police Officers (Except the School Resource Officer and Detective) and Firefighters .....	41
XII-2 Standard Work Period for Police Officers Serving as School Resource Officer or Detective.....	41
XII-3 Overtime Work .....	42
XII-4 Premium Pay.....	42
XII-5 Holiday Pay.....	42
XII-6 Eligibility for Paid Sick Leave.....	43
HANDBOOK RECEIPT AND ACKNOWLEDGEMENT .....	44



Welcome to the City of Eudora! This Employee Handbook is a resource to help answer some of the questions employees may have concerning the City and its policies. Please read it thoroughly and retain it for future reference. The policies stated in this handbook are intended as guidelines only and are subject to change at the sole discretion of the City Manager. Prior to the implementation of policy changes, the City Manager may accept input from interested persons. This handbook is not a contract guaranteeing employment for any specific duration. Although the City hopes that the employment relationship will be long-term, the employee and/or the City may terminate the relationship at any time, for any lawful reason, with or without cause or notice.

All City employees are covered by the policies and procedures in this handbook. Departmental policies and procedures will not contradict or supersede City policies and procedures, unless when otherwise noted or approved by the City Manager. Additionally, certain employees may be subject to the provisions of a memorandum of understanding or other agreement, and shall refer to those agreements for guidance.

It is the policy of the City of Eudora to create a progressive work climate that encourages the development of mutual trust and understanding. The City is committed to dealing directly and honestly with all employees. Each employee is encouraged to communicate with their immediate supervisor about any questions or concerns and to give an opinion on ways to make the City an even better place to work.

The City of Eudora wishes employees success during their employment and hopes the employment relationship will be a rewarding experience. It is the employee's responsibility to read and be familiar with the contents of this handbook.

**Mission Statement: It is the mission of the City of Eudora to provide services in an effective and efficient manner to enhance the quality of life for the citizens we serve.**

- ❖ **Learning:** Continued staff development and deployment of best practices will be used to increase the effectiveness of our service to the community.
- ❖ **Professionalism:** Our actions, appearance, and daily work will reflect the important role we have in the community. Members of the organization agree to be accountable for the work they perform and how it is performed.
- ❖ **Teamwork:** Intra and inter department collaboration are essential to providing efficient and effective service.
- ❖ **Vision:** Our work today will be linked to the goals we have for improving service tomorrow.

## ARTICLE I - GENERAL

**I-1 Employment Relationship.** Employees of the City of Eudora are employees-at-will. Accordingly, the employment relationship may be terminated by the City of Eudora, Kansas or the employee at any time, with or without cause, and with or without advance notice. Although there is no requirement to do so, the City would appreciate that an employee gives two weeks' notice should he/she decide to terminate his/her employment.

No representative or employee of the City has any authority to enter into any contract or agreement with any company/person concerning employment except the City Manager, pursuant to authority from the City Commission.

This employee handbook supersedes all previous employee handbooks and memos which may have been issued on subjects covered herein. In situations where the provisions of this handbook conflict with a City ordinance, State statute, or Federal law, the provisions of the ordinance, statute, or law shall supersede the conflicting provision of the handbook.

**I-2 On-boarding.** No person will be employed by the City of Eudora until he/she has completed the necessary paperwork, reviewed the handbook in its entirety and then submit the handbook receipt page. This should be done, if possible, in the office of the City Clerk.

Each employee who begins employment with the City of Eudora will be placed in a training period which is an initial opportunity for evaluating an employee in his/her position. New employees will be placed in a training status for the first six (6) months of employment. Current employees who change positions or job classifications will be placed in training status for the initial six (6) months of the position change.

After the initial six (6) months, the training period can be extended by a supervisor or the City Manager up to an additional six (6) months. During the training period, an employee must demonstrate good quality work, a willingness to learn, the ability to perform the essential functions of the position with or without a reasonable accommodation, and a cooperative attitude. Any extensions to the training period must be signed by a department head and reported to the City Clerk.

Upon the satisfactory completion of the training period, an employee can become a regular employee in the new position with his/her employment date being the original date of hire. The employee will be expected to continue demonstrating good quality work, a willingness to learn, the ability to perform the essential functions of the position with or without a reasonable accommodation, and a cooperative attitude.

An employee of the City is expected to maintain the highest standards of performance.

At all times, including any training period, the employee is an employee-at-will and neither this handbook nor any statement contained herein is intended to create any contract of employment at any period of time between the employee and the City.

**I-3 Administrative Responsibility.** The personnel program consists of the sum total of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Manager, personnel director and/or his/her designated official. The policies and procedures of the personnel program shall apply to all employees in the service of the City.

**I-4 Departmental Regulations.** The head of any department may formulate in writing administrative regulations for the conduct of the department which will be made available to all departmental employees. Nothing in this section shall be construed as granting any department authority to adopt regulations in violation of, or in conflict with, personnel regulations approved and adopted by the City Manager. In the event of a conflict between department regulations and City Manager policies and procedures, the latter prevails.

**I-5 Change in Policy.** The City expressly reserves the right to change any of its policies without prior notice, including those covered here, at any time. Amendments or new policies will be effective on dates determined by the City Commission, and employees may not rely on policies that have been amended or deleted. Personnel questions should first be brought to the personnel director. Changes to personnel policy must be authorized by the City Manager. Employees uncertain about any policy or procedure should check with their supervisor, the personnel director and/or the City Manager.

## ARTICLE II - POSITION CLASSIFICATIONS

**II-1 Position and Job Classification.** Position, job classification and corresponding salary ranges shall be approved by the City Commission during the budgetary process. Job descriptions shall be written and amended by the City Manager, personnel director, and/or his/her designated agent.

### **Definitions:**

*Full-time employee:* works at least thirty (30) hours per week on a regular and continuing basis.

*Part-time employee:* works less than thirty (30) hours per week on a regular and continuing basis.

*Introductory employee:* an employee in his or her first six (6) months of employment with the City.

*Seasonal employee:* works on a regular and/or recurring basis during a specific season or portion of a year.

## ARTICLE III - EMPLOYMENT POLICIES

**III-1 Non-Discrimination.** The City of Eudora, Kansas maintains a policy of nondiscrimination with employees and applicants for employment. No aspect of employment with the City will be influenced in any manner by race, color, religion, sex, age, sexual orientation, gender identity, national origin, ancestry, disability, or any other basis prohibited by law.

Nothing in the previous paragraph is meant to limit or expand the City's obligation pursuant to all state, local and federal laws, rules, and regulations in all phases of employment including, but not limited to recruitment, hiring, training, promotion, compensation, benefits, transfer and dismissals.

**III-2 Appropriate Clothing.** Employees in all departments shall wear the type of clothing and/or equipment that their department head deems as necessary to perform their department's work safely and efficiently.

**III-3 Filling Vacancies.** A budgeted job vacancy, except for intra-departmental promotions, shall be formally announced at least one week prior to the closing date for filing applications. All applications or resumes should be submitted to the City Clerk within 60 days.

In order to be considered for the position, interviewed applicants must sign a release form to allow reference checks, past employment, education background, a criminal background, and a driving record check. The best qualified applicant will be recommended for hire.

The City will consider a former employee for a position if the employee left the City voluntarily or through no fault of his/her own and makes application for re-employment. It is the City's policy not to re-employ those previously discharged for cause or who left their employment without two (2) weeks' notice.

Prospective employees for full-time positions, public works seasonal help, aquatic seasonal help, summer camp and after school programmers must pass a drug screening test as part of their pre-employment physical examination. Pre-employment requirements are set at the discretion of the City Manager.

**III-4 Promotion.** It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion will be expected to be able to perform the essential functions of the position sought and to meet the minimum qualifications for the classification to which they seek promotion.

**III-5 Nepotism.** It is the policy of the City to discourage the employment of relatives in the same department. No relatives will be employed where one might be in a position to be supervised by or supervise the other. "Relative" shall be defined as husband, wife,

brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, uncle, aunt, first cousin, spouses relatives, or individual though not related by blood, who has been a permanent member of the employee's household. In the event of the marriage of two employees in the same department, neither will be required to transfer or terminate unless one will supervise the other. If one supervises the other and no transfer is available within thirty (30) days, it will be necessary for one of the employees to resign.

**III-6 Service Record.** An employee's employment record with the City of Eudora is kept in a confidential folder in the City Clerk's office. It is the property of the City of Eudora and access to the record is determined by the City of Eudora in accordance with applicable law.

It is especially important that employees keep their employment record up to date. If an employee moves, changes his/her phone number, or experiences a change in family status, the employee should be sure to tell the City Clerk's office.

**III-7 Time Worked.** Hourly employees must record their hours worked through the City's electronic time clock system. Falsification of an employee time report is a breach of City policy and is grounds for disciplinary action, up to and including termination of employment.

The City of Eudora, Kansas conforms to all applicable state, local and federal laws regarding wages.

**III-8 Non-Harassment Policy.** The City of Eudora, Kansas will not tolerate the harassment of one employee by another.

It is the City's policy to maintain an environment free of intimidation, insult and harassment based upon race, color, religion, sex, age, sexual orientation, gender identity, national origin, ancestry, disability, or any other basis prohibited by law. Any such incident should be promptly reported by using the steps of the Chain of Command set forth in Article XI.

No employee shall engage in comments, jokes, or name calling that is vulgar, offensive or profane, or that may insult someone's race, color, religion, sex, age, sexual orientation, gender identity, national origin, ancestry, disability, or any other basis prohibited by law. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

The City will not tolerate sexual harassment in any form. No supervisor or employee shall threaten or imply that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, pay, promotion, job assignment, or any other aspect or condition of employment. Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment includes but is not limited to:

- a. Touching or making improper or proposition advances;
- b. Abusive, vulgar language of a sexual nature;
- c. Suggestive jokes or comments about an employee's body or apparel; and
- d. Display of sexually suggestive cartoons, pictures, or photographs.

Any employee who believes the actions or comments of another employee constitute unwelcome harassment prohibited by this policy should report the situation immediately by using the City's Chain of Command policy in Article XI. In its efforts to prevent discrimination or harassment of any kind, the City will maintain a total open-door policy. All complaints will be promptly and confidentially addressed and investigated. The employee bringing the concern forward will be advised of the result of the investigation. The City will not retaliate or permit retaliation against any employee for raising a concern regarding harassment prohibited by this policy.

Any employee, supervisory or non-supervisory, found to have engaged in harassment or discrimination toward another employee will be subject to corrective action.

Corrective action taken is wholly within the discretion of the City of Eudora. Nothing in these guidelines should be taken in any way as a limitation on the powers of the City to decide what action is appropriate under given circumstances.

**III-9 Drug and Alcohol Policy for All Employees.** The City of Eudora prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by its employees or reporting to work under the influence of controlled substances.

Employees must notify their department head of any criminal drug statute conviction that interferes with the employee's standard duties upon return to work following the conviction.

The legal use of prescribed drugs is permitted on-the-job only if they do not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. It is an employee's responsibility to notify his/her supervisor if any prescription medication negatively impacts the ability to safely perform job duties.

If the City Manager determines that an employee has violated the drug and alcohol policy described in the first paragraph of Article III, Section III-9, he or she has absolute discretion to decide which of the following action(s) to take against the employee in violation:

- a. a requirement to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other agency;
- b. adverse personnel action which may include termination.

A second offense within a three (3) year period will result in immediate termination.

**Testing.** Testing for drug or alcohol will occur under the following conditions:

*Reasonable suspicion:* Employee may be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired. Factors that individually or in combination could result in reasonable suspicion include, but are not limited to, the following:

- a. direct observation of an individual engaged in drug and/or alcohol-related activity;
- b. a pattern of abnormal conduct;
- c. unusual, irrational, or erratic behavior;
- d. unexplained, increased or excessive absenteeism or tardiness;
- e. sudden changes in work performance;
- f. repeated failure to follow instructions or operating procedures;
- g. violation of City safety policies or failure to follow safe work practices;
- h. unexplained or excessive negligence or carelessness;
- i. discovery or presence of drugs in an employee's possession or near an employee's workplace;
- j. odor or residual odor peculiar to some drugs;
- k. arrest or conviction for a drug-related crime;
- l. information provided either by reliable and credible sources or independently corroborated; or
- m. evidence that an employee has tampered with a prior drug and/or alcohol test.

*Accidents:* Employees who are involved in an accident during working hours may be tested for the presence of drugs and/or alcohol following an accident or other

occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, damage to vehicles and/or other property.

A violation of this policy will result in disciplinary action up to and including termination.

**Definitions:**

*Controlled substance:* drugs or alcohol which is (1) not legally obtainable, or (2) legally obtainable but obtained or used in a lawful manner.

*Conviction:* a finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.

*Criminal drug statute:* a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

**III-10 Drug and Alcohol Abuse Policy for Safety Sensitive and Employees Required to Maintain a Commercial Driver's License.** If an employee tests positive for illegal and/or prohibited drug use or alcohol abuse, disciplinary action, as expressed in this handbook, up to and including termination, may be instituted.

Testing for the presence, use, possession or sale of alcohol will be done on a "ready for duty" basis. If an employee is called for emergency duty outside of regular working hours and informs the dispatcher that he/she is unable to report for work because of consumption of alcohol during off duty time, the employee will not be recalled to work and another employee will be called for that duty.

The City of Eudora has designated the City Clerk as the alcohol and drug program manager for the City. The City Manager, trained supervisors and/or the City alcohol and drug program administrator have the authority to approve the decision for a post-accident alcohol or drug test.

The use, possession or sale of alcoholic beverages and/or prohibited or illegal drugs is prohibited while on City property, in City vehicles and on City time, including lunch. If an employee tests positive for alcohol or drug use and insists on driving, local law enforcement officials will be summoned to handle the situation.

An employee may be terminated for the use and/or presence of alcohol or illegal and/or prohibited drugs while at work. An employee may be terminated if he/she refuses, in writing and after review of the City Drug and Alcohol Policy, to take a test for either alcohol or prohibited drug use.

If an employee is alcohol tested at a .02 level, but less than a .04 level, the employee will not be allowed to return to work in a covered function until the beginning of his or her next shift, or after a minimum of eight (8) hours. During this time, the employee will be

off without pay. The employee will be required to retest prior to returning to his or her next shift. Should the employee test over .02, but less than .04, he or she may be terminated.

Employees who test over .04 will be provided an opportunity to be evaluated by a substance abuse professional available through the facility designated by the City. The employee will pay for the cost of the evaluation. If the employee refuses the evaluation, he or she will be terminated. If the employee refuses to enter and complete a rehabilitation program recommended by the substance abuse professional, the employee will be terminated. If an employee agrees to enter a rehabilitation program, the employee will be allowed to take sick leave or vacation leave or unpaid leave while in the program. The employee who tests over .04 will not be allowed to participate more than once in such a program and then be considered for reinstatement. If a second instance should arise, the employee will be terminated.

If it is decided that the employee will enter a rehabilitation program, the employee will be responsible for payment of the program. If the program requires the employee to be off work during its duration, the employee must utilize any accrued compensation time, then accrued sick leave, accrued vacation leave or any other paid leave available to the employee and/or approved unpaid leave. In some instances the employee may be offered unpaid sick leave. Once the employee is ready to return to work, the employee must demonstrate that he or she can perform the essential functions of his/her position with or without a reasonable accommodation.

Employees of independent contractors will not be covered by the City of Eudora alcohol and drug abuse program, but by the program of the contractor.

A copy of the City of Eudora's policy on alcohol and drug abuse is available at the City Clerk's office.

**III-11 Telephone Use Policy.** Employees are permitted to receive or make personal telephone calls using the City's telephone system provided that such calls are infrequent and short in duration.

Employees may not use the phone system to make harassing calls. Any harassing call received by an employee is to be reported immediately. Employees may never call 900 numbers. The City's telephone system is designed so that the extension from which a call is made can be identified.

The City's phone system is the property of the City. Telephone calls may be subject to monitoring without employees' knowledge; employees have no expectation of privacy when using the City's phone system. Periodically, the City audits its local and long distance calls to determine if there has been any abuse of the telephone system. Such abuse includes charging personal long distance calls to the City, excessive personal calls, and disclosing confidential information. Additionally, outgoing telephone calls are subject to monitoring.

Violation of the City's telephone policy can lead to discipline up to and including termination of employment.

**III-12 Email Policy.** The email system as with all City property is to be used only for the business purposes of the City.

All email is subject to review by management. An employee's use of the email system grants consent to review any of the messages to or from that employee using the system in printed format or in any other medium.

Inappropriate or offensive messages including but not limited to racial, sexual, or religious slurs are prohibited on email.

Email shall not be used as a solicitation tool for outside business ventures, personal parties, social meetings, charities, membership in any organization, political causes, religious causes, or other matters not connected to City business.

Email is only to be used by authorized persons. If any employee has not been issued an email address, that employee may not use the email system. Employees are not to use unauthorized codes, passwords, or other means to gain access to email belonging to others. Employees having an email address shall not disclose their codes or passwords to others.

An employee with access to email is expected to check their email inbox at least once a day. An employee's immediate supervisor may instruct an employee to access their email more often depending upon job requirements.

Email messages are considered to be business records of the City. Accordingly, they may be used in administrative, judicial, or other proceedings.

Periodically, an employee's use of the network, email, and other communication systems may be monitored. Violations of City policies detected through such monitoring can lead to discipline, up to and including discharge.

**III-13 Internet and Software Policy.** The City provides internet and software access to its employees for the express purpose of enhancing the delivery of services to its citizens.

All items uploaded to the City website are to be scanned for viruses. All items downloaded from the City website or any other location is to be scanned for viruses.

Employees are expected to comply with the City's policy regarding confidentiality, solicitation, moonlighting, organizational ethics, and harassment when using the internet.

The City monitors the use of the internet. The City also monitors use of its network and computer system.

Any data on City-owned computers, systems, or its premises may be viewed at any time. Employees have no ownership or privacy expectations in such data. All work created using City equipment or system belongs to the City.

Employees are not to place personal copies of software or data on any City computers. This includes any and all games or pornographic material.

Violation of this City policy may lead to discipline, up to and including termination of employment.

**III-14 Social Media.** The City of Eudora neither requires nor restricts employee's use of social media outside regular work hours.

City employees are encouraged to use their discretion when posting on social media regarding City business or issues pertaining to the City. The City does not intentionally monitor employee's social media profiles. However, if an issue arises, an employee's department head may address an incident from an employee's social media profile.

Positions, opinions, or endorsements by City employees on social media do not express the positions, opinions, or endorsements of the City of Eudora.

**III-15 Smoking and E-Cigarettes.** Employees may not smoke or use e-cigarettes inside buildings that are open to the public or are places of employment.

Employees may not smoke or vape while operating and/or inside any City owned vehicle or piece of equipment.

**Definitions:**

*E-cigarette:* Any electronic or battery-powered device/vaporizer that simulates tobacco smoking or vaping by producing an aerosol that resembles smoke or vapor.

*Vape:* The ingestion of nicotine or other substance used in any e-cigarette device.

**III-16 Travel, Meeting and Related Expense Policy.** This policy governs reimbursement for authorized travel, meeting, and related expenses for all City of Eudora employees and City Commission members who travel or attend functions on official City business. It is appropriate that this type of expenditure of public funds be carefully regulated to assure that only authorized expenditures are reimbursed or paid by the City.

The City of Eudora will reimburse transportation, lodging, food and other related expenses that pertain to authorized City-related business, for all City employees, City Commission members and certain other employees for whom the City is responsible for such expenses, as provided by this policy.

Authorized expenses must be incurred by an employee while on official City business, and such expenses will be reimbursed only upon submittal of the proper receipt or documentation.

It is the responsibility of all employees to provide an accounting of actual expenses incurred during business travel and to submit all necessary receipts and documentation to the City Clerk for processing within thirty (30) days of return. Receipts presented after sixty (60) days or thirty (30) days after the end of the year must have a written explanation for the delay. The City Clerk may determine that this delay requires the special approval by the City Manager.

The general principle involved in this policy is that employees are to be reimbursed for expenses incurred in the performance of their duties. Any attempt by an employee to realize financial gain, over and above legitimate reimbursement for his/her costs as provided in this policy, or to be reimbursed for non-business related activities, shall be considered a misappropriation of public funds and treated accordingly.

The annual budget, as adopted and modified by the City Commission, sets budgets for each department. Department heads are responsible for monitoring their budgets, and assuring that funds are sufficient before approving expenditures related to this policy.

After the department head or the City Manager has authorized a City employee to attend a meeting, seminar, school, conference, or is otherwise directed to travel on official City business; expenses such as lodging, meals, parking fees, tolls, transportation, telephone, tax, tips, and other justifiable business expenses will be paid or reimbursed at the actual cost, or as otherwise provided herein and outlined in this policy.

Airline, train, and bus fares will be reimbursed or paid at the best coach fare or least expensive, practical, available fare. Employees who charge commercial long distance travel fares for official City business to a personal credit card or pay by cash or personal check will be reimbursed upon submission of the required documentation.

Commercial travel to and from airports, bus or train stations, and around the City where the conference, school, or meeting is held, will be reimbursed at the lowest most reasonable cost. Rental of vehicles requires prior approval by the department head or City Manager.

When using a City vehicle, employees who incur reasonable out-of-pocket expenses, such as for fuel, will be reimbursed for actual expenses upon submission of required documentation.

Authorized use of City vehicles to and from work will be charged to the employee as other income as per IRS regulations.

Use of private vehicles will be reimbursed at the mileage reimbursement rate provided below unless a City vehicle is available. If an employee chooses to use a private vehicle

instead of the available City vehicle, the mileage rate shall be one-half of the rate provided below, rounded to the nearest whole cent. Based on budgetary concerns, a department head or the City Manager may override the employee's decision and require use of the City vehicle. Employees who are expected to use their own vehicles in the course of their regular workday shall receive the full mileage reimbursement rate for local travel.

The mileage reimbursement rate for business transportation or travel expenses for the City of Eudora is based on the standard mileage rates established by the IRS. Authorized mileage shall include only those miles necessary to reach one's destination by the shortest, safest route to conduct City business; and shall exclude any incidental mileage during the employee's trip which is not required for City business, such as travel to restaurants and gatherings not officially sponsored by a conference. Department heads are expected to mandate the use of car-pooling whenever practical.

Meal allowance will be allocated on a per diem basis. Meals during authorized travel will be reimbursed only with appropriate detailed receipts at the maximum rate of \$40.00 per day. A maximum of 20% tip allowance is to be reimbursed for tips. Liquor and alcoholic beverages are not reimbursable. Meal reimbursements will not be made if the meal is paid for through meeting, seminar, school, or conference registration fees.

On partial day travel, meals are reimbursable if the employee is traveling to/from or at their destination during meal periods. No cash advance will be issued for one day travel. Meal reimbursement for one day travel will be made through payroll to meet IRS regulations as a taxable benefit.

Hotel or motel lodging will be paid or reimbursed at the single rate. The maximum reimbursed room rate, for approved seminars being held at specific facilities, will be that rate charged by the host seminar facility. In no case shall reimbursement exceed the actual cost to the employee of his/her own lodging.

Double occupancy will not be paid or reimbursed unless both occupants are City of Eudora employees. This shall not prevent employees from sharing expenses with others in order to reduce expense to the City. Employees who incur expenses for double occupancy which is not reimbursable are responsible for documenting the cost for the single rate.

For seminars or appointments within the same day, the prior evening's lodging will not be paid or reimbursed if the day's meeting or appointment is less than fifty (50) miles from City Hall. For seminars or appointments of two or more consecutive day's duration and located fifty (50) or more miles from City Hall, overnight expenses will be paid or reimbursed. Exceptions may be afforded due to inclement weather or other unusual circumstances with the City Managers' approval.

The City of Eudora will allow travel expense advancements. An employee is responsible for the cash advance and shall provide an accounting of the travel advance with

applicable receipts, documentation, and cash return if the actual expenses are less than the cash advance. The accounting shall be presented to the City Clerk within five (5) work days (M-F) after the employees return.

Whenever possible, registration, seminar fees, commercial long distance travel and motel/hotel expenses for authorized City business will be paid directly to the provider. It is the attendee's responsibility to submit the necessary paperwork in a timely fashion to assure that these expenses can be paid directly by the City. If timing is an issue, authorized travel expenses for the registration and other such expenses may be paid directly from the employee. The employee must submit all required receipts, paperwork and documentation for reimbursement.

**III-17 Personal Use of City Equipment.** The personal use of City property, including but not limited to, vehicles (K.S.A. 8-301 to 8-307), equipment, machinery, tools, and supplies is prohibited. Publicly owned property may be used only for a public purpose.

**III-18 Receipt of Gifts.** A City employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any item of value in excess of \$50.00 from any person who has or is seeking to obtain business with the City, or from any person within or outside the City employment whose interest may be affected by the employee's performance of official duties.

**III-19 Privileged Information.** City employees who are involved with plans, programs or information of significant public interest, may not use this privileged information for general personal gain, nor to benefit friends or acquaintances. Violation of these provisions regarding privileged information shall be just cause for disciplinary action as determined by the appropriate authority.

**III-20 Endorsements.** Endorsement of any product or service utilizing the employee's official position with the City must have prior authorization by the City Commission.

**III-21 Reporting Fraud, Theft and Misuse of City Assets.** It is the duty of each employee who knows of any fraud, theft, or misuse of City assets, including supplies, equipment, services, etc., to report to the appropriate City officials. The report may be made orally or in writing. The appropriate officials include any one of the following:

- a. The employee's immediate supervisor
- b. The employee's department head
- c. The City Manager

No person filing a report under this policy will be subject to retaliation of any kind for doing so.

**III-22 Prevention of Workplace Violence.** Employees have the right to expect a work environment free from threats, threatening behavior, acts of violence, or any related conduct which puts the employee in fear for his or her physical safety.

Prohibited Behavior: All employees, while on duty or performing work for the City of Eudora, are prohibited from participating in any of the following:

- Violent confrontations;
- Assaultive acts;
- Threats of violence;
- Attempted or actual intimidation of another person by physical gestures, verbal comments, or other actions intended to frighten or threaten another person;
- Any battery to the person of another;
- Harassment or abuse by using communication equipment or modes, such as, but not limited to, telephone, facsimile (fax) machines, text, computers, e-mail, mail, or social media;
- Possession in the workplace of any item that may reasonably be considered a weapon, other than a legally concealed handgun;
- Any physical or verbal reference that an employee is in the possession of a concealed handgun or any other weapon, or any display of a handgun or other weapon;
- Failing to keep a legally concealed handgun in his or her immediate possession and control, such as, but not limited to, leaving a handgun in or on a desk or workstation, in any City vehicle, in any purse, bag, lunchbox, or other storage container, or left in a locker, office, or other place on City property;
- Possessing a concealed handgun when the employee is not lawfully able to own or possess such a handgun;
- Open carry of a handgun or other weapon or firearm in any City building or workspace.

Other than certified law enforcement officers, it is outside the course and scope of employment for any City employee to use, brandish, point, or threaten, with a handgun or any other weapon, any person in the workplace or while completing their duties.

Any person who engages in any of the above behaviors in the workplace may be removed from the premises. The person may be barred from any City premises where the City conducts business pending the outcome of an investigation. Persons refusing to leave the premises when directed to do so shall be removed by any lawful means available.

Nothing in this policy prohibits an employee from lawfully carrying a concealed handgun in compliance with Kansas state law governing the circumstances under which legally-qualified public employees can carry a concealed handgun during their employment with the City. The City prohibits employees from carrying any other type of firearm or weapon, unless such firearm or weapon has been assigned to that employee by his or her supervisor for the purposes of his or her job duties (i.e., police officers). All City employees must follow the posted rules and signage with regard to the prohibition of concealed handguns in certain public buildings, in compliance with Kansas state law.

The employee must be in immediate control of and completely conceal the handgun at all times. The employee may not leave the handgun in or on a desk or workstation, in any City vehicle, in a purse, bag, lunchbox, or other storage container, or in a locker or office.

Employees shall:

- Promptly notify their supervisor of any Prohibited Behavior they have witnessed, received, or been informed that another person has witnessed or received. Employees shall also report any behavior they have witnessed while on duty or performing work for the City that they regard as threatening, intimidating, or violent;
- Provide their supervisor with a copy of any protective order or restraining order that lists City premises as a protected area;
- Respond truthfully when asked by their supervisor if they are carrying a concealed handgun or have a firearm or any other weapon at any location in the workplace (other than a personal vehicle).
- When work duties require visiting private property which prohibits the carrying of concealed handguns, abide by all applicable laws and regulations regarding concealed handguns applicable to those locations. In such situations, employees are responsible for securing handguns in a personal vehicle and are prohibited from securing or leaving a handgun in a City vehicle.

Any employee who believes in good faith that any person is in possession of a weapon in violation of this policy or otherwise poses an imminent threat is required, when it can be done safely, to immediately activate security measures for his/her department.

Employees should then notify any available supervisor or manager.

Any employee who, in good faith, believes that a co-worker, supervisor, manager, or elected or appointed official is in possession of a weapon in violation of this policy is required to report the matter as soon as possible to the City Manager or any supervisor without regard to the chain of command.

Supervisors shall initiate investigations of reported Prohibited Behavior or reported violations of this policy and take appropriate actions for the safety of employees and others, and shall notify the City Manager of all such incidents.

Violation of this policy will likely result in disciplinary action, which may include termination. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.

## ARTICLE IV - COMPENSATION

**IV-1 Pay Plan.** The salary of each employee of the City, except those appointed officers whose salary is specifically set by ordinance, shall at least annually, be set at an amount within the pay range of the position class the employee is assigned. An employee's continued employment at the salary rate within their assigned class shall be contingent upon the position performance of that employee.

The promotion of an employee to a class with a higher salary range shall include an increase in his or her salary to at least the minimum for the new classification. If the minimum for the new classification is below his or her present salary, he or she shall not be granted more than a one-step increase in salary at the time of promotion unless the increase first shall have been approved by the City Manager or unless he or she is eligible for a normal one-step increase.

In the event an employee is reclassified to a lower classification, his or her salary may be reduced to any step in the lower classification.

**IV-2 Salary Range New Employees.** A new employee normally will enter employment at the minimum rate of pay for the position in which he or she is employed. In the case of difficulty in finding qualified personnel or in the hiring of an exceptionally qualified person, the starting salary may be on the second step of the range to the position filled. Any exception to this policy must be approved by the City Manager.

**IV-3 Salary Increase.** Salary increases shall not be routine or automatic and are subject to approval by the City Manager within budget funding as set by the City Commission. Annual cost of living pay increases may be given as approved by the City Commission. Subject to budgetary allowances, the City Manager may award a pay increase to an employee based on an annual performance evaluation submitted by the employee's department head.

**IV-4 Performance Evaluations.** All employees will receive an annual performance evaluation during the month of January of the subsequent year.

**IV-5 Pay Days.** Employees shall be paid every two weeks, on Friday.

**IV-6 Standard Work Week and Work Periods.** The standard work week for all employees, except police officers and firefighters, whose work week is addressed in Article XII, volunteers, and other unclassified employees, is a seven day period beginning on Sunday at 12:01 a.m. and ending the following Saturday night at 12:00 midnight. The standard work week for a full time employee to whom this section applies shall be forty (40) hours.

Full-time, part-time, seasonal and temporary employees to whom this section applies shall work on schedules established by the department head. All employees to whom this section applies, working not less than an eight-hour day, shall have a thirty minute to one

hour meal period and thirty minutes of break time, to be divided equally between the morning and the afternoon. All employees to whom this section applies are still on duty during break time and may not conduct personal business off of City property while on break unless approved by the department head. All employees to whom this section applies, working less than an eight hour day, shall only have meal breaks and rest breaks as permitted by their department head. Department heads shall establish break periods for their department.

**IV-7 Pay on Resignation or Termination.** An employee who resigns or is terminated will receive his/her final paycheck no later than the first regularly scheduled payday following his/her termination.

**IV-8 Overtime Work and Compensatory Time.** Nonexempt or hourly full time employees, except police officers and firefighters, whose overtime is addressed in Article XII, may be eligible for overtime work, at the discretion of their department head. Overtime for employees to whom this section applies consists of hours worked in excess of forty (40) hours per week. Holidays, safety days and vacation days count as hours worked.

Overtime for employees to whom this section applies will be figured in accordance with the provisions of the Fair Labor Standards Act; that is, compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay.

Nonexempt or hourly employees, except police officers and firefighters, will receive compensatory time off, at a rate of not less than one and one-half hour for each overtime hour worked instead of cash overtime pay. An employee may accrue up to sixteen (16) hours of compensatory time off. Any overtime earned exceeding the sixteen (16) hour compensatory time off maximum will be paid not later than the first payday following the pay period in which it was earned.

Employees may use their compensatory time off on the date requested unless doing so would "unduly disrupt" the operations of the City. Compensatory time off should be utilized prior to any accrued vacation, sick or any other accrued paid leave.

Overtime work and/or compensatory time off shall be paid and or accrued not later than the first payday following the pay period in which it was earned.

For employees to whom this section applies, it is the department head's discretion to change an employee's work schedule to utilize compensatory time or to avoid overtime pay as long as the schedule adjustment is within the same pay period in which potential overtime could be earned. For employees to whom this section applies, all overtime work must have prior authorization by the employee's department head.

For employees to whom this section applies, no person employed in an administrative, executive or professional position shall be eligible for overtime pay or any additional

compensation at their regular rate unless reimbursement is made to the City by a third party.

The City Clerk shall keep records of all persons employed (including police officers and firefighters), their pay scale, time worked, accrued vacation, sick leave, personal time, safety time and accrued compensatory time and/or overtime. Such records shall be available during normal office hours.

**IV-9 Safe Harbor Policy.** It is the City's intent to pay exempt employees on a salary basis. Therefore, the City prohibits the making of improper deductions from the salaries of exempt employees because of variations in the quality or quantity of the work performed. Unsatisfactory quality or quantity of work will be addressed, not by reductions in salary, but rather through regular performance management methods including the evaluation and discipline processes. Other deductions from exempt employees' salaries the City views as improper and therefore are prohibited include the following:

- a. Absences of less than a full work week occasioned by the City or by the operating requirements of the business;
- b. Absences of less than a full work week caused by jury duty, or attendance as a witness in a judicial proceeding;
- c. Absences of less than a full work week caused by temporary military leave (although the City may offset against the regular salary any military pay the employee receives);
- d. Partial day absences for personal reasons or because of sickness or disability.

On the other hand, deductions from exempt employee's salaries are permitted in the following circumstances:

- a. If an exempt employee works less than a full work-week in the initial or final week of employment;
- b. Full-day absences caused by sickness or disability taken in accordance with the City's other policies providing pay for those absences;
- c. Full-day absences caused by sickness or disability if the employee is not yet eligible for pay or pay has been exhausted under the City's other policies providing pay for those absences;
- d. Hours taken as unpaid leave under the Family and Medical Leave Act (FMLA);
- e. Full-day absences for personal reasons other than sickness or disability;
- f. Disciplinary suspensions of one or more full days for serious infractions of safety rules of major significance;
- g. Disciplinary suspensions of one or more full days for infractions of workplace conduct rules including, for example, violations of the City's anti-harassment or workplace violence policies.

Any exempt employees who believe their salaries have been subjected to improper deductions should promptly report their concerns to the City Manager. Any improper

deductions will be reimbursed, and there will be no retaliation against any employee who raises any good faith concern regarding deductions from salary.

**IV-10 Holiday Pay.** Employees, other than police officers and firefighters, whose holiday pay is addressed in Article XII, who are required to work on a designated holiday will be granted an alternative day off or be paid time and one-half for the hours worked in addition to eight (8) hours regular pay. The maximum amount employees can earn per hour for those hours worked on a designated holiday are double-time and one-half for the first eight (8) hours and one and one-half time for any hours over eight (8).

**IV-11 Longevity Pay.** All full-time employees will be eligible for longevity pay after two (2) years of employment, according to the following schedule:

2-4 years	\$100	15-19 years	\$750
5-9 years	\$250	20+ years	\$1000
10-14 years	\$500		

Lump sum payments of longevity pay will be made once a year based on each employee's completed year of service as of November 1. Payment will be made between the regular payrolls in November. Such payments are subject to all payroll taxes and KPERS/KP&F if required.

**IV-12 On-Call Time.** Selected public works employees will be assigned to be on-call for a one-week period beginning at 4:30 p.m. Friday to 4:30 p.m. the following Friday. The department head will determine the on-call assignments.

**Response to Emergency:** Employees assigned to on-call duty will be issued and shall carry a pager with them at all times when on-call. Normal response to emergencies shall be thirty (30) minutes or less and under no circumstances shall response time be longer than one (1) hour after the on-call employee has been contacted.

The designated on-call employee shall keep him/herself fit and able to respond at all times when on call.

The on-call assignments will rotate through the employee ranks each week. The public works director or his or her designee shall schedule the rotation and shall evaluate the rotation schedule on a regular basis.

Employees assigned to on-call shall be compensated \$100.00 for the week's duties of carrying the pager and for being available for after-hour's response. Such on-call assignments shall be noted on the employee's time report.

The on-call employee and any other non-exempt employee required for an after-hour response shall be compensated a minimum of two (2) hours at the overtime rate. Responding non-exempt employees working more than two (2) hours for any after-hour

call-outs shall be paid at their overtime rate for all hours worked over the two (2) hour minimum. On-call responders do not receive additional compensation for additional calls within the two (2) hours following the initial call unless the call extends beyond the two (2) hour window following the initial call. In the case of calls extending beyond the initial two (2) hour window, responders would continue to receive compensation until the conclusion of the call.

**IV-13 Payroll Deductions.** The following legally required deductions will be made from an employee's paycheck: Medicare, Federal and State income tax, and Social Security (FICA). The City will deduct employee health insurance premiums and other fees associated with approved programs in which an employee enrolls. KPERS & KP&F will be deducted based on State regulations.

## **ARTICLE V - ATTENDANCE AND LEAVE**

**V-1 Hours of Work.** The normal work week shall be forty (40) hours consisting of 8 hour work days, except for the Police Officers who are operating pursuant to 29 U.S.C. 201(k) and firefighters. No employee (except police officers and firefighters) shall be permitted to work in excess of forty (40) hours per week except when an emergency exists or overtime work is necessary to carry out normal and essential service of the City as assigned by his or her immediate supervisor.

The standard working day shall be determined by the department head and vacation hours shall be allocated based on the standard work day for an employee's position.

**V-2 Holidays.** The following days shall be paid holidays for all City employees:

- New Year's Day, January 1
- Martin Luther King Jr. Day, 3rd Monday in January
- President's Day – Third Monday in February
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Veteran's Day, November 11
- Thanksgiving Day, fourth Thursday in November
- Friday after Thanksgiving
- Christmas Eve, December 24
- Christmas Day, December 25
- Employee Birthday – Applicable date

From time to time, on special occasions the City Commission may designate other days as special holidays.

When any regular holiday shall fall on a Saturday or Sunday, the preceding Friday or following Monday shall be declared a holiday. A recognized City holiday that occurs during an employee's authorized vacation or sick leave shall not be counted as a day of vacation or sick leave. All paid holidays will be considered time worked when calculating overtime pay.

Employees (except police officers and firefighters) regularly scheduled to work on an observed holiday shall be compensated with one and one-half (1 ½) day's pay in addition to their regular salary for the day. (i.e. these employees who work on a holiday will be paid double time and a half for the first eight (8) hours).

**V-3 Vacation.** The anniversary date for full time employees will be the first day of the month if the employee was employed on or before the 15th of the month. If the employee was employed after the 15th of the month, the anniversary date will be the first day of the following month.

Vacation leave shall be accrued from the most recent day of employment under the conditions hereinafter stated.

- a. Full Time Employees. Each full time employee with less than one year of service through five years of service shall accrue one (1) working day of paid vacation for each full month of service. Employees are eligible to use their accrued vacation days after their first six (6) months of employment with the City. Employees with anniversary dates on the fifth year through ten years of service shall accrue one and one-quarter (1¼) working days of paid vacation for each month of service. Employees with anniversary date on the tenth (10) year through fifteenth (15) year shall accrue one and one-half (1½) working days of paid vacation for each month of service. Employees with an anniversary date on the fifteenth (15) year and any additional years of service shall accrue one and three-fourths (1¾) working days of paid vacation for each month of service.

b. Example:

<u>Length of Employment</u>	<u>Vacation Days Accrued</u>	<u>Vacation Days Eligible to Use</u>
6 Months	6	0
6 Months – 1 Year	1 each full month	All accrued days
1-5 Years	1 each full month (12/year)	All accrued days
5-10 Years	1.25 each full month (15/year)	All accrued days
10-15 Years	1.5 each full month (18/year)	All accrued days
15 or More Years	1.75 each full month (21/year)	All accrued days

Vacations will be considered allocated upon completion of the employee's training period. Vacations shall not be taken during the first six (6) months of service with the City. Forty (40) hours of vacation must be taken within the 12-month period immediately following vesting. Payment in lieu of taking vacation days may be granted by a department head in unusual circumstances.

Vacation leave is accrued from the first day of the month employed (if the employee was employed on or before the 15th of the month) or from the first day of the month following employment (if employed after the 15th of the month).

Vacations will be scheduled so as to meet the operating requirements of the City, and will be subject to the approval of the department heads, and insofar as possible will take into account the preference of the employee. In case of conflict, vacation leave will be granted on the basis of seniority. A leave form must be submitted to the payroll department and signed by both the employee and the employee's department head.

An authorized City holiday shall not constitute a day of vacation, and whenever an authorized holiday falls within an employee's vacation, the holiday will not be deducted from the employee's vacation days.

During the period that an employee may be suspended without pay, he or she will not accrue vacation leave.

Upon termination an employee shall be compensated for accrued unused vacation leave, except this provision shall not be applicable during the employees first six (6) months of employment. In case of death, compensation shall be paid to the surviving spouse or the employee's estate.

Employees in an introductory status shall receive credit for vacation leave for each month of employment but shall not be permitted to use any vacation leave until they have been granted regular employment status.

Employees may not carry over more than two hundred and forty (240) hours of vacation per year. Carryover hours will be determined as of January 1<sup>st</sup> of each year. Any vacation hours over two hundred and forty (240) that were not used by December 31<sup>st</sup> will be transferred into sick time.

Temporary or seasonal or part-time employees working less than thirty (30) hours per week will not earn vacation leave.

Vacation leave will not accrue during a leave of absence without pay.

**V-4 Sick Leave.** All full time employees who regularly work not less than thirty (30) hours per week shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents or other physical incapacitation, occurring either on or off the job, and

doctor or dentist appointments for the employee or a relative for whom the employee is the primary caregiver. "Relative" shall be defined as husband, wife, brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, uncle, aunt, first cousin, spouses relatives, or individual though not related by blood, who has been a permanent member of the employee's household. No employee shall be permitted to use sick leave for any period spent on unauthorized leave or participation in any unlawful work stoppage. Any time off for these reasons taken during an employee's training period will not be paid.

Full time employees shall earn one (1) day of sick leave for each full month of service.

An employee may accumulate a maximum of 100 days of sick leave. During the period that an employee may be suspended without pay, he or she will not accrue sick leave.

Any sick leave absence shall be noted on the employee's time report. A leave request form must be filled out and attached to the payroll time report.

For sick leave in excess of three (3) days, a department head must require a signed statement from a physician or dentist verifying the employee's inability to perform his or her assigned duties because of such illness.

To be eligible for paid sick leave an employee (except for police officers and firefighters, who are subject to the notice requirements stated in Article XII) shall notify his or her immediate supervisor of the reason for the absence no later than one (1) hour after the beginning of the first work day for which sick leave is taken.

An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay.

**V-5 Personal Time.** In addition to providing paid time off, the City permits regular full-time employees to take up to two (2) paid personal days for personal business that cannot be taken care of outside of regular business hours and for religious observances, ethnic holidays and other events of personal significance. The two personal days will be converted from accrued sick leave. An employee must have a minimum of forty (40) hours of accumulated sick leave to be eligible for personal time.

Notice of the intent to observe a personal day must be given to an employee's immediate supervisor before taking that day off, except in emergency situations. The supervisor shall consider department workload priorities in determining whether to approve the request. Only when the workload will not permit an absence should the personal day not be allowed.

There will be no payment for unused personal days at the end of any calendar year or in the event of a separation from employment. If the employee has not used available personal days during a calendar year, the unused days will carry over to the next calendar year without additional conversion of sick leave. No more than two (2) days will be

allowed to be carried forward and/or be available during any calendar year. If the employee does not have personal days to carry over, two (2) days of sick leave may be converted to personal time

**V-6 Funeral Leave.** In the case of death of a member of employee's immediate family, all employees may be granted (but not to exceed) three (3) consecutive paid working days for each occurrence. For purposes of this policy, immediate family is defined as spouse, son, daughter, mother, father, brother, sister or grandparent of the employee or the employee's spouse, aunt, uncle, first cousin, or individual though not related by blood, who has been a permanent member of the employee's household. Funeral leave will not cover ex-relatives from previous marriages. Employee will provide proof of death, which must be attached to the leave form.

**V-7 Injury Leave.** All injuries occurring on the job shall be reported as soon as possible to the employee's immediate supervisor.

An employee absent because of an on-duty accident may elect to receive any accrued unused sick leave during such portion of the period of disability as employee may have. It is understood that sick leave allowances shall apply to waiting periods under the Worker's Compensation Law. If the employee has any questions about injury leave, he/she should ask the City Clerk.

**V-8 Return to Work Policy.** It is the policy of the City of Eudora to return employees to work as soon as possible after a work related injury, within the restrictions provided by the physician. All department heads, managers, and/or supervisors will be responsible for finding temporary productive work for each injured employee. Assistance for this effort is available through our worker compensation carrier, KMIT, and its contracted representatives, Insurance Management Associates (IMA).

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Returning injured employees to work as soon as possible benefits both the employee and the City, and therefore, this policy will be enforced to the fullest extent possible. Any questions concerning the City policy should be addressed to the City Manager.

The City of Eudora will identify and create temporary alternate or modified work-duty tasks within the purview of the physical capability of the worker, based upon the recommendations of the physician, in order to control accident costs and improve employee morale.

**V-9 Maternity Leave.** An employee who becomes pregnant will be granted maternity leave without pay, however, the employee may elect to utilize any accrued sick leave and/or vacation leave if, and to the extent, such leave is available. All privileges and benefits shall apply in the case of maternity leave without pay as with any other employee on sick or other leave without pay status. An employee normally will be expected to return to work within six weeks following birth of a child; unless the

employee qualifies for additional leave under the City's Family and Medical Leave Act policy.

**V-10 Military Leave.** Any person who is called or ordered to active duty is entitled to certain rights upon completion of the active duty. The employee must give notice to the employer when completion of the active duty. The employee must give notice to the employer when called to duty and the duty must be satisfactorily completed for the reemployment rights to attach. Upon completion of active duty, the employee should be given documentation of the service, which will serve to put the employer on notice that the employee qualifies for reemployment.

- a. Employees taking military leave either for active duty or annual training shall be compensated in one of the following ways: The City of Eudora provides up to ten (10) regular working days of paid leave per calendar year to be allocated to match the difference between an employee's regular salary and their military earnings. In order to receive compensation, employees must present a statement of earnings from the military to their department director. Upon return with an honorable discharge, an employee may be entitled to reinstatement and any applicable job benefits they would have received if present, to the extent provided by law; or
- b. Use accumulated vacation time and receive full salary;
- c. Take leave without pay.

The employee shall inform the supervisor which of the options will be utilized before leaving on such military leave.

Any employee who is on active military status for two (2) weeks or less, and chooses to take leave without pay, will continue to accrue vacation and sick leave and will not be required to reimburse the City for missed payroll deduction for dependent health insurance premiums. To receive time off, employees must provide notice and a copy of their report orders to an immediate supervisor.

**V-11 Civil Leave.** An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in response to a subpoena, in an official capacity in connection with the City or as an expert witness either because of professional or observed knowledge, performing emergency civilian duty in connection with national defense, and for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work. Any per diem money received by the employee for jury duty shall be remitted to the City.

If an employee is involved in a personal case either as plaintiff or as defendant in a suit not resulting from the employee's duties with the City, the employee may be granted leave without pay unless the employee elects to utilize any available vacation/personal leave.

**V-12 Domestic Violence/ Sexual Assault Leave.** The City of Eudora provides up to eight (8) days per calendar year of paid job-protected leave to employees who are victims of domestic violence or sexual assault to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of employee or the employee's child or children; seek medical attention for injuries caused by domestic violence or sexual assault; obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault or make a court appearance in the aftermath of domestic violence or sexual assault.

The employee shall give the supervisor or personnel director reasonable advance notice of the employee's intention to take time off, unless such advance notice is not feasible. Within 72 hours of returning from requested time off, the employee must provide supporting appropriate documentation to the supervisor or the personnel director.

When unscheduled absence occurs, the employee must submit the appropriate documentation to the supervisor or personnel director within 48 hours after beginning of unscheduled absence.

Appropriate documentation includes the police report showing that the employee was a victim of domestic violence or sexual assault; protection order for act of domestic violence or sexual assault protecting the employee or separating the employee from the perpetrator; other evidence from the court or prosecuting attorney that employee has to appear in court; or documentation from medical professional, domestic violence advocate, or advocate for victims of sexual assault, health care provider or counselor that employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

Extensions for leave allotment beyond eight (8) days may be made at the discretion of the City Manager.

**V-13 Other Leave.**

a. Meetings and Seminars. Any employee may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations when such attendance is properly authorized by the employee's department head or City Manager.

b. Educational Leave. An employee may be granted leave without pay for a period up to one year to further his or her education or seek specialized training related to his/her employment with the City of Eudora upon approval of the City Commission. Requests for educational leave must be made at least 90 days before the anticipated educational leave is to begin. Approval of educational leave lies entirely within the discretion of the City Manager.

c. Leave of Absence. An employee, upon written request, and with the approval of his or her department head, may be granted a leave of absence without pay for a period of one year subject to prior approval by the City Manager. Requests for leaves of absence must be made at least 90 days before the anticipated leave is to begin.

d. Donated Leave. Employees with a minimum of 200 hours of accrued sick leave may donate sick leave to another employee provided they retain an accrued balance of 160 hours of sick leave. The hours transferred will be paid at the regular rate of pay for the employee receiving the donation. Donation of sick leave to another employee is entirely voluntary on the part of the employee and employees shall not be subjected to solicitation or coercion to donate leave. The employee receiving donated sick leave must have used all of his/her accumulated leave. All donation transactions shall be conducted and maintained in confidence. Employees donating must do so in writing, by completing a leave request form, and such record of donation will be kept in the employee's personnel file.

If an employee is being paid by another source, the amount of compensation that they receive is limited to a regular day's pay for their position.

## **ARTICLE VI - STANDARDS OF CONDUCT AND CORRECTIVE ACTION**

**VI-1 Authority to Discipline.** The City Manager and the department heads are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any departmental guidelines.

The City of Eudora strives to take a constructive approach to disciplinary matters. The City has not established a sequential step approach to disciplinary matters and violations of our standards may result in one of the following forms of corrective action: Discharge, suspension, demotion, oral warning, or written warning. This is not an exclusive list of disciplinary actions which may be taken, and the form of corrective action taken lies entirely within the discretion of the City of Eudora.

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of the employee to make a conscientious effort to work and behave in accordance with values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the City provide a high level of public service. When an employee does not exercise self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her department head or the City Manager to consider disciplinary actions to correct the problem. An employee is subject to disciplinary action if:

- a. The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
- b. The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations;
- c. The employee has performed an act of misconduct, or has failed to perform an act, which results in misconduct;
- d. The employee fails to perform his/her job duties.

**VI-2 Disciplinary Actions.** The following types of disciplinary actions are officially recognized by the City Manager:

*Verbal Warning:* An oral reprimand given to an employee by his or her supervisor, department head or the City Manager. A receipt of verbal warning will be signed by the employee. A copy of the receipt of verbal warning will be given to the employee and placed in the employee's file. Without further disciplinary action, the verbal warning documentation will be removed from an employee's file twelve (12) months after the date of the conversation.

*Reprimand:* A written censure to an employee by his or her supervisor, department head, or the City Manager. The reprimand will be signed by the employee. A copy of the reprimand will be given to the employee and placed in the employee's file.

*Probation:* A trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions. Disciplinary actions may be taken prior to the exhaustion of the probationary period.

*Demotion:* The placement of an employee into a position with a lower pay rate.

*Salary Reduction:* The lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.

*Suspension:* The removal of an employee from service, with or without pay, for a specific period of time.

*Termination:* The removal of an employee from City employment. Note: Termination can be carried out for any reason except a discriminatory reason. All employees, unless contracted, are employees 'at will.'

In arriving at a decision for proper action, the following will be considered:

- a. The seriousness of the infraction;

- b. The past record of the employee;
- c. The circumstances surrounding the matter.

**VI-3 Subject to Disciplinary Action or Termination.** The following is a partial list of infractions which will result in corrective action. This list does not limit or define every example of a behavior that the City is able to respond to with corrective action.

- a. Falsifying employment application, time report, or personnel or other City documents or records,
- b. Unauthorized possession of City or employee property, or gambling or carrying explosives or unlawfully possessing a concealed handgun on City premises,
- c. Fighting, throwing things, horseplay, practical jokes, or other disorderly conduct which may endanger any employee or property while at work,
- d. Engaging in acts of dishonesty, fraud, theft, theft of City time or sabotage. False reporting of hours worked including the misuse of break times,
- e. Threatening, intimidating, coercing, using abusive or vulgar language toward other employees and their families, interfering with the performance of other employees, or violation of the City's nondiscrimination or harassment policy,
- f. Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned,
- g. Unauthorized use of City material, time, equipment, property, or City services,
- h. Theft of City property for personal use, for sale, or gift to others or the making of any false claim against the City,
- i. Damaging or destroying City property due to careless, negligence, willful acts, or negligent or willful waste of City property,
- j. Conduct which the City feels reflects adversely on the City during working hours,
- k. Job performance which does not meet the requirements of the position,
- l. Engaging in such other practices during working hours or while wearing a City uniform as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City, its employees, or citizens and failure to report any unsafe working condition,

- m. Negligence in observing or disregarding fire prevention, security, and safety rules,
- n. Violation of the City's drug & alcohol policy,
- o. Violation of any City, State or Federal criminal law; conviction of a felony or misdemeanor,
- p. Refusing to work when called back for an emergency by the department head or supervisor, or failing to appear when scheduled for emergency work without a valid reason,
- q. Use or attempted use of political influence or bribery to secure advantage in an examination or promotion,
- r. Violation of City or department rules, order, policies, or regulations,
- s. Engaging in activities which disrupt or interfere with the regular work activities of the City, including concerted action with others not to report to duty or not to work at usual capabilities in the performance of normal duties,
- t. Excessive absenteeism, tardiness, unexcused absences, or absence without leave accrued and absence without notification,
- u. Temporarily leaving the workplace without the approval of his or her supervisor,
- v. Soliciting or accepting gratuities from vendors for personal gain or in violation of City policy,
- w. Disclosing confidential records or information unless directed to do so by his/her department head or supervisor,
- x. Revocation of suspension of a certification or license, including driver's license, when such is required as a condition of City employment,
- y. Other circumstances, during working hours, for which the City feels that corrective action is warranted.

This list is intended to be representative of the types of activities which may result in disciplinary action. It is not intended to be comprehensive and does not alter the employment-at-will relationship between the employee and the City.

Should the employee's performance, work habits, overall attitude, or conduct become unsatisfactory in the judgment of the department or City Manager, the employee will be subject to disciplinary action, including termination of employment.

## ARTICLE VII - GRIEVANCE POLICY

**VII-1 General Policy.** Any employee who has been disciplined in any manner excluding termination, has the right to present a complaint or grievance concerning his or her job, working conditions, salary, relationship between employees and co-workers, supervisor, or department head, the application of equal employment opportunity policies, or as an appeal of any disciplinary action pursuant to these policies. Each employee and supervisor should make a sincere attempt to resolve any grievance before it becomes necessary to resort to the grievance procedure.

Employees that have been terminated, have no right to a grievance proceeding.

**VII-2 Grievance Procedure.** It is the City's policy to deal directly and honestly with all employees. The City believes the interest of both the City of Eudora and its employees are best served by maintaining communication between the individual employee and the employer. Employees are encouraged to ask questions and discuss concerns with their immediate supervisor.

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves; however, should a situation persist that an employee believes is detrimental to her or him or to the City, the City has established the following steps for full-time regular and part-time employees who have completed their first 180 days of employment with the City to bring complaints to the City's attention. The procedure will not prevent, limit, or delay the City from taking disciplinary action against any individual, up to and including termination, in circumstances where the City deems disciplinary action appropriate.

**Step One.** The aggrieved employee shall, within fourteen (14) calendar days of the date of the event or within fourteen (14) calendar days of the date a person could reasonably be expected to have knowledge of the event, first orally present the complaint to the immediate supervisor. The supervisor shall orally provide an answer to the aggrieved employee within five (5) calendar days. A sincere attempt shall be made by each supervisor to resolve any grievance. Supervisors shall forward, in writing, the result of step one to the department head and subsequently to the personnel director.

**Step Two.** If, after conferring with the immediate supervisor, the aggrieved employee feels that the oral presentation failed to settle the grievance, the complaint may be submitted in writing on a form provided by the personnel director to the concerned department head. This shall be done within seven (7) calendar days from the date of the response from the supervisor. Upon receipt, the department head or representative shall sign, date, and document the time received. The concerned department head shall meet with the employee and provide the aggrieved employee with a written reply within seven (7) calendar days from the date of receipt of the written complaint. Upon receipt, the aggrieved employee shall sign, date, and document the time received.

**Step Three.** If, after reviewing the department head's decision, the aggrieved employee is not satisfied with the written reply to the grievance, an appeal may be made to the Grievance Review Board. This may be done by filing a written appeal with the personnel director within seven (7) calendar days from the date of the concerned department head's written reply. The Grievance Review Board shall consist of the following five persons:

1. Department head, other than the concerned department head, from the rotating list maintained by the personnel director.
2. One supervisory employee, neither from the concerned department nor from the selected department head's department, to be chosen randomly from the City payroll records.
3. One non-supervisory employee, neither from the concerned department nor from the selected department head's department to be chosen randomly from the City payroll records.
4. One member of the Eudora Employee Relations Committee (EERC) to be chosen randomly from the membership of the ERC. This person cannot be from the same department as the aggrieved employee or the department head.

The aggrieved employee and the department head may be present during the random selections of members. The personnel director or designee shall conduct the proceedings, implement the procedures for hearing the grievance, maintain order during the proceedings, and serve as secretary.

Unless mutually agreed upon by the department head and employee, the grievance review board shall convene within fourteen (14) calendar days from the personnel director's receipt of the appeal to consider said appeal and shall give not less than one (1) working day's notice in writing to all involved parties of the time and place of the meeting. The personnel director or designee shall schedule the appeal to start as early in the day as possible considering the work schedules of the individuals involved with the grievance.

The procedure for conducting the appeal before the Grievance Review Board will be as follows:

1. Brief statement of subject grievance;
2. Presentation of issue, grievance, witnesses, background material by the aggrieved employee;
3. Questions by the department head regarding the aggrieved employee's presentation;
4. Presentation of issue, witnesses, background material, disciplinary action, if applicable, by the department head;

5. Questions by the aggrieved employee regarding the department's presentation;
6. All questions, other than from the aggrieved employee, department head, and personnel director/designee, shall be submitted to the Grievance Review Board for consideration;
7. Closing statements.

The Grievance Review Board shall submit in writing its findings to the employee and the concerned department head within seven (7) calendar days after the hearing.

**Step Four.** If, after reviewing the Grievance Review Board's decision, the aggrieved employee and/or the concerned department head is not satisfied with the Boards' written reply to the grievance, the employee and/or the concerned department head may appeal the decision to the City Manager by filing the written appeal with the personnel director within seven (7) calendar days from the date the Grievance Review Board presented its findings. No grievance shall be considered by the City Manager until the Grievance Review Board has made its findings. The City Manager shall confer with the aggrieved employee and the concerned department head within seven (7) calendar days after filing and shall give not less than one (1) working day notice of the time and place of the meeting. A decision on the appeal shall be rendered within seven (7) calendar days after the close of the hearing and such finding shall be final and subject to no further appeal.

**Peer and Staff Member Present.** Employees making use of the Grievance Procedure shall be permitted to have a City employee of his/her choosing present during the grievance proceedings. The department head may also have a staff member present. The role of the peer and staff member is to provide assistance to the employee or department head. They are not active participants in the procedure unless called as a witness. Since the grievance proceedings are administrative in nature and not judicial, the presence of an attorney to represent or counsel a grieving party or the City is prohibited.

**Witness.** Witnesses may be called by either party for the purpose of verifying the facts of a grievance. Witnesses shall have already been contacted and given their consent to be called to the Grievance Review.

**Timelines.** Time schedules are to be strictly followed; however they are subject to change due to unforeseen circumstances.

All paperwork pertaining to specific grievances, including notes from members of the Grievance Review Board shall be given to the personnel director designee to be placed in grievance files maintained separately from the employee's personnel file. The City will not tolerate any form of retaliation against employees availing themselves or of taking part in this procedure.

## ARTICLE VIII - SEPARATION

**VIII-1 Absent Without Notification.** Any employee who is absent without notification and who fails to return to duty within twenty four (24) hours shall be deemed to have abandoned his or her position voluntarily.

Absence without notification shall be construed to be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify his or her immediate superior of such absence no later than the day such absence begins.

**VIII-2 Termination.** Employment with the City of Eudora is employment at will. An employee may be terminated at any point for any reason or for no reason. Department heads have the authority to suspend employees with or without pay. The City Manager has the authority to suspend employees with or without pay and to terminate the employment of any employee. Department heads and the City Manager may be terminated with the approval of the City Commission.

**VIII-3 Resignation.** An employee may resign his or her employment with the City by submitting his or her resignation in writing to his or her department head. The City would appreciate that you give two (2) weeks' notice if you decide to resign. The City has the option of allowing the employee to complete the two (2) week notice period or accept the resignation immediately with payment of the two (2) week notice period to the employee. The last day of employment is the last day the employee is physically present on the job. The last day may not be identified as a vacation day, sick leave, or holiday. Moreover, a resigning employee may not use vacation leave during the notice period without prior approval of the department head.

**VIII-4 Retirement.** All eligible employees of the City shall be members of the Kansas Public Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership. The last day of employment is the last day the employee is physically present on the job. The last day may not be identified as a vacation day, sick leave, or holiday.

**VIII-5 Suspension from Duty.** A suspension is a temporary separation from service with the City for disciplinary purposes where the case is not sufficiently serious to merit termination of employment. An employee may be suspended with or without pay for a period not to exceed thirty (30) days within one (1) calendar year. A department head or the City Manager may, at his/her discretion, extend a suspension period of less than thirty (30) days to a maximum of thirty (30) days.

In addition, any employee may be suspended with or without pay who is arrested for violation of the law in any jurisdiction, at anytime including, but not limited to, traffic violations, reckless driving, vehicular homicide, driving under the influence of alcohol and/or drugs. The employee must immediately notify his/her supervisor of the arrest before reporting to work for his/her next scheduled tour of duty. The department head, in

consultation with the City Manager, will determine whether the employee will be suspended with or without pay until such time as a decision is made in the employee's case; suspension for this reason can exceed thirty (30) days. Suspension without pay will occur for any arrest occurring on or off the job that is plainly related to the job performance and is of such nature that to continue employment would impair the City's responsibility to its citizens or to other employees, or if not related to job performance, would place the City's image in an unfavorable light.

If a jury or judge finds an employee "not guilty" of the charges against him or her and the employee was suspended without pay pending the decision and remains employed by the City at the time of the decision, the amount of pay that would have been paid absent the suspension will be reimbursed.

**VIII-6 Layoff or Reduction in Work Force.** The City has the right to terminate the employment of any employee because of lack of funds or curtailment of work.

## **ARTICLE IX - POLITICAL ACTIVITY, RESIDENCY, INSURANCE**

**IX-1 Political Activity.** It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civil associations or civic betterment groups.

Employees are not permitted to engage in any political activity involving the election of candidates for any City office which affects the performance of their duties on behalf of the City.

Any employee desiring to become a candidate for elective City office shall first take leave of absence without pay or resign. Should the employee be unsuccessful in seeking City office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay.

Employees are not permitted to solicit, sell or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on duty hours.

**IX-2 Membership on Boards and Commissions.** Employees are not permitted to be a member of commissions, boards or commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance.

**IX-3 Residency.** While the City encourages all of its employees and department heads (chief of police, fire chief, City Clerk, public works director and director of parks and recreation) to maintain residency within the City, such residency is not mandated. However, the City requires its employees and department heads who do not live within the City, to reside within a thirty (30) minute travel time of their place of employment. There are no residency requirements for volunteers.

**IX-4 Insurance -- Employees.** All full-time employees (employees who regularly work thirty (30) hours per week) shall be eligible for group medical and hospital insurance.

Funding shall be established by the City Commission through the annual budgeting process.

When an individual employee is required to contribute a portion of the cost of the health care premium due to the employee covering dependents, spouse or family members, the amount of such contribution will be collected via payroll deduction.

All costs for individual or family medical and hospital insurance shall be paid by the employee during the period the employee is on extended unpaid leave, on unauthorized leave or participating in any unlawful work stoppage.

Individual and family medical and hospital insurance coverage may be extended for a temporarily disabled employee drawing workmen's compensation. The employee share of the cost shall be deducted from any compensation due the employee in addition to workmen's compensation payments. In the event no additional compensation is due, insurance may be extended at the option of the employer.

No employee shall be entitled to a cash payment of any kind in lieu of medical and hospital insurance coverage.

**IX-5 Retiree Health Insurance.** Retired employees with ten (10) years of service to the City and their dependents shall be eligible for group medical and hospital insurance until one of the following occurs:

- a. the retired employee attains age 65;
- b. the retired employee fails to make required premium payments on a timely basis;
- c. the retired employee becomes covered or becomes eligible to be covered under the plan of another employer.

Each retired employee who elects to continue such coverage will be required to contribute to the employee group health benefits plan, including the administrative costs thereof, but such contribution will not exceed 125% of the premium cost for other similarly situated employees.

Each retired employee who elects to continue such coverage must file a written request with the City Clerk within thirty (30) days following retirement

**IX-6 Outside Employment.** Employees may carry on part-time jobs if:

- a. There is no conflict in working hours;

- b. The employee's efficiency is not reduced;
- c. There is no conflict of interest.

**ARTICLE X - FAMILY LEAVE, MEDICAL LEAVE AND  
SERVICE MEMBER LEAVE**

Employees may be entitled to job-protected leaves of absence if the following conditions are met:

- a. The employee worked for the City for at least 12 months;
- b. The employee is currently employed with the City;
- c. During the last 12 months of employment with the City the employee worked at least 1,250 hours.

Eligible employees may take a leave of absence for the following reasons:

- a. The birth of the employee's child and to care for the newborn child;
- b. The placement of a child with the employee for adoption or foster care;
- c. A serious health condition that makes the employee unable to perform the employee's job;
- d. A serious health condition affecting the employee's spouse, child or parent, for which the employee is needed to provide care;
- e. Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty, in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Except as explained below in the section entitled "Caregiver Provision," an eligible employee has a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period commencing the first date leave is taken for any of the reasons listed above. If both a husband and wife work for the City, they may take a total of twelve weeks during the twelve-month period for the birth, adoption or placement of a child or to care for a parent with a serious health condition. Each spouse is entitled to his or her own period of 12 work weeks of leave for his or her own serious health condition. The 12 work week time period will be reduced, however, by the number of days of leave the employee took under the Family Medical Leave Act for other qualifying reasons.

*Caregiver Provision:* An eligible employee, as defined above, who is a spouse, son, daughter, parent or “next of kin” of a member of the Armed Forces, including a member of the National Guard or Reserves, will be provided 26 weeks of unpaid leave during a single 12 month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty that may render the service member medically unfit to perform his or her duties.

When the need for leave is foreseeable, an employee should ordinarily provide the City Clerk with the required notice at least 30 days prior to the intended leave. When the need for leave is not foreseeable, an employee must provide the City with notice of the need for leave as soon as possible. The employee may be required to furnish medical certification of a serious health condition or certification of the need for leave under the Caregiver Provision. If required, the employee must furnish certification within 15 days or the City may delay the commencement of the leave until the certification is submitted.

The employee’s health benefits must be maintained during any period of unpaid leave under the same conditions as if he or she continued to work.

If the employee normally pays a portion of the premiums for his or her health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment will be discussed with the employee.

The employee will have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, the employee’s group health insurance may be cancelled, provided the City notifies the employee in writing at least 15 days before the date that the health coverage will lapse.

The requested leave will be counted against the employee’s annual FMLA leave entitlement.

Any accrued paid time off shall be applied to time off available under the FMLA. If the employee has exhausted paid time off, the employee will not be paid during the leave. Time off under workers’ compensation or short term disability will also be applied to a leave under the FMLA.

While on leave, the employee may be required to furnish the City with periodic reports of the employee’s status and intent to return to work. If the circumstances of the employee’s leave change and he or she is able to return to work earlier than the date indicated above, the employee may be required to notify the City at least two weeks prior to the date the employee intends to report for work.

The employee may be required to furnish recertification of a serious health condition.

The employee must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on return from leave. If the employee

does not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave, the serious injury or illness of a covered service member or other circumstances beyond the employee's control, the employee may be required to reimburse the City for its share of health insurance premiums paid on the employee's behalf during the FMLA leave.

The employee may be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, the employee's return to work may be delayed until the certification is provided.

If the City determines that an employee has obtained leave or continued to take leave under this policy based on fraudulent, dishonest or misleading conduct of any kind, the employee will be subject to immediate discharge.

Additional information regarding employee rights and responsibilities under the FMLA are included at the end of the employee handbook/manual.

A form for requesting FMLA leave is available from the City Clerk. At the time the form is submitted, arrangements for time off, whether paid or unpaid, and payment of the employee's share of the employee benefit plan will be discussed by the employee's department head and/or the City Manager.

If you have any questions regarding the FMLA, please see the City Clerk.

## **ARTICLE XI - CHAIN OF COMMAND**

**XI-1 Chain of Command.** The City Manager is designated as the primary supervisory and managerial authority regarding all employees.

All City employees should consult with their department head regarding any matter concerning their employment before consulting with any other person, unless the situation involves a complaint about the department head. Should any employee be dissatisfied with resolution of any matter taken to the department head, the City employee may then take the matter to the City Manager, but only with the knowledge of their department head. Complaints about the department head should be addressed directly to the City Manager and the employee need not notify the department head of the complaint.

In the event City employees face circumstances which in their judgment create an imminent risk to the health and welfare of persons or property, they shall first make diligent effort to get in touch with their department head regarding direction in how to handle the circumstances, unless the issue involves his or her department head. After exhaustion of the diligent efforts, and in the event they are unable to reach the department head, or if the issue involves the department head, the employee shall then make every diligent effort to contact the City Manager. If diligent efforts to reach the City Manager

have failed, the employee shall contact the Mayor for guidance and direction. If diligent efforts to reach the Mayor have failed, the employee shall contact the City Commission President for guidance and direction.

City Commission members shall not give direct orders to City employees. Any City employee who receives a direct order from a City Commission member shall inform the City Manager or, if the order involves the City Manager, shall inform the Mayor.

## **ARTICLE XII - POLICIES APPLICABLE TO PUBLIC SAFETY PERSONNEL (POLICE OFFICERS AND FIREFIGHTERS) ONLY**

**XII-1 Standard Work Period for Police Officers (Except the School Resource Officer and Detective) and Firefighters.** The standard work period for police officers (except the school resource officer and detective, whose work period is addressed in Section XII-2) and firefighters is a fourteen (14) day period based on the payroll submittal calendar set each year by city administration. The standard hours for a full time police officer and firefighter shall be eighty-four (84) hours within that fourteen (14) day period.

All police officers (except school resource officers), detectives and firefighters shall work on schedules established by the department head. All police officers and firefighters working not less than a twelve-hour day, shall have a thirty (30) minute to one (1) hour meal period and thirty (30) minutes of break time, to be divided equally between the morning and the afternoon. All police officers (except school resource officers and detectives) and firefighters are paid and still on duty during break time and may not conduct personal business off of city property while on break unless approved by the department head. All police officers (except school resource officers and detectives) and firefighters, working less than a twelve-hour day, shall only have meal breaks and rest breaks as permitted by their department head. Department heads shall establish break policies for their department.

**XII-2 Standard Work Period for Police Officer Serving as School Resource Officer or Detective.** The standard work week for school resource officers and detectives is a seven day period beginning on Sunday at 12:01 a.m. and ending at 12:00 midnight on the following Saturday. The standard hours for school resource officers and detectives shall be forty (40) hours within that seven (7) day period.

School resource officers and detectives shall work on the schedule established by the department head. When school resource officers and detectives work not less than an eight (8) hour day, they shall have a thirty (30) minute to one (1) hour meal period and thirty (30) minutes of break time, to be divided equally between the morning and the afternoon. School resource officers and detectives are still on duty during break time and may not conduct personal business off of school property while on break unless approved by the department head. School resource officers and detectives working less than an eight (8) hour day shall only have meal breaks and rest breaks as permitted by their department head. Department heads shall establish break policies for their department.

**XII-3 Overtime Work.** Police officers (including school resource officers and detectives) and firefighters may be eligible for overtime work, at the discretion of their department head. Overtime for police officers (except school resource officers and detectives) and firefighters consists of hours worked (including trainings) in excess of eighty-four (84) hours per work period. Overtime for school resource officers and detectives consists of hours worked (including trainings) in excess of forty (40) hours per week. Meal and break periods (except during training sessions), sick days, personal days, safety days and vacation days count as hours worked for police officers, school resource officers, detectives and firefighters.

Overtime will be figured in accordance with the provisions of the Fair Labor Standards Act; that is, compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime work shall be paid not later than the first payday following the pay period in which it was earned. It is the department heads' discretion to change an employee's work schedule to avoid overtime pay as long the schedule adjustment is within the same pay period in which potential overtime could be earned. All overtime work must have prior authorization by the employee's department head.

No person employed in an administrative, executive or professional position shall be eligible for overtime pay or any additional compensation at their regular rate unless reimbursement is made to the City by a third party.

**XII-4 Premium Pay.** Police officers (including school resource officers and detectives) and firefighters who are called in for a court appearance on a scheduled day off will be paid at the rate of one and one-half times the regular rate of pay for a minimum of two hours, or for the actual time spent, whichever is greater.

Police officers (including school resource officers and detectives) and firefighters who are required to attend a staff or City safety meeting on a scheduled day off will be paid one and one half the regular rate of pay for the time spent at the meeting.

**XII-5 Holiday Pay.** Police officers (except school resource officers and detectives) and firefighters who are required to work on a designated holiday will be paid time and one-half for the hours worked in addition to their regular pay for those hours. The maximum amount police officers (except school resource officers and detectives) and firefighters can earn per hour for those hours worked on a designated holiday are double-time and one-half for the first twelve (12) hours and one and one-half time for any hours over twelve (12).

School resource officers and detectives who are required to work on a designated holiday will be paid time and one-half for the hours worked in addition to eight (8) hours regular pay. The maximum amount school resource officers and detectives can earn per hour for those hours worked on a designated holiday are double-time and one-half for the first eight (8) hours and one and one-half time for any hours over eight (8).

Police officers (including school resource officers and detectives) who are not on duty on a holiday will be paid the regular rate of pay for the number of hours in a standard shift, *i.e.* 8 hours for school resource officers and detectives and 12 hours for other police officers.

A holiday occurring between two days of leave without pay shall not be paid. All police officers (including school resource officers and detectives) and firefighters must work the full scheduled work day before and the full scheduled work day after a holiday in order to be paid for the holiday unless absence is due to sick leave or pre-approved vacation. Upon suspicion of abuse of the City's sick leave policy, the department head may request medical documentation substantiating the need for sick leave.

**XII-6 Eligibility for Paid Sick Leave.** To be eligible for paid sick leave police officers (including school resource officers and detectives) and firefighters shall notify their immediate supervisor of the reason for the absence no later than one (1) hour before the shift starts.

## HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

**DO NOT SIGN YOUR NAME ON THIS RECEIPT UNTIL AND UNLESS YOU HAVE COMPLETELY READ, UNDERSTOOD THE CONTENTS OF THE HANDBOOK, AND SATISFIED YOURSELF WITH ANY ANSWERS TO QUESTIONS YOU MAY HAVE CONCERNING IT.**

I acknowledge that I have read, reviewed, and understand the contents of the City of Eudora Employee Handbook. I understand that I am an employee-at-will and I agree to comply with all the policies and procedures of the City of Eudora. I likewise acknowledge that if I had any questions, they have been satisfactorily answered.

I understand that neither these employee rules, policies and benefits nor any other written or oral statements by the City of Eudora or its representatives are contracts of employment. No employee of the City of Eudora other than the City Manager, pursuant to authority granted by the City Commission, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing, and no such agreement has been made.

---

Employee

---

Date