

Official Copy

**UNIFORM PERSONNEL
RULES AND REGULATIONS
FOR THE
CITY OF SPRING HILL, KS
(Second Edition of 2004)**

**Adopted By Resolution 562
Dated: October 21, 2004**

Mark Squire, Mayor

TABLE OF CONTENTS

i. **NOTICE TO EMPLOYEES**

ii. **EMPLOYEE ACKNOWLEDGEMENT**

iii. **GENERAL INFORMATION**

ARTICLE I: INTRODUCTION

I-1	Rules Established
I-2	Administrative Responsibility
I-3	Departmental Regulations

ARTICLE II: POSITION CLASSIFICATION

II-1	Position Classification Plan
II-2	Job Descriptions
II-3	Job Classifications
II-4	Maintenance of Plan
II-5	Job Evaluation Process

ARTICLE III: RECRUITMENT, SELECTION, AND PLACEMENT

III-1	Definitions
III-2	Qualifications of Employment
III-3	Promotion and Transfers
III-4	Probation
III-5	Nepotism

ARTICLE IV: COMPENSATION

IV-1	Compensation
IV-2	Salary Range -- New Employees
IV-3	Merit Salary Increases
IV-4	Performance Evaluation
IV-5	Pay Days
IV-6	Pay on Termination
IV-7	Flex Time
IV-8	Overtime Work
IV-9	Compensatory Time
IV-10	Shift Trading
IV-11	Special Detail Work
IV-12	Dual Employment
IV-13	Pay Records

IV-14 Call Back/Standby Status/Compensation

ARTICLE V: ATTENDANCE AND LEAVES

V-1 Hours of Work
V-2 Holidays
V-3 Vacation Leave
V-4 Sick and/or Emergency Leave
V-5 Disability Benefits
V-6 Maternity Leave
V-7 Military Leave
V-8 Civil Leave
V-9 Bereavement Leave
V-10 Other Leave
V-11 Educational Leave

ARTICLE VI: DISCIPLINE

VI-1 Authority to Discipline
VI-2 General Policy
VI-3 Disciplinary Actions
VI-4 Procedure for Disciplinary Action
VI-5 Misconduct Subject to Disciplinary Action
VI-6 Termination

ARTICLE VII: SEPARATION

VII-1 Resignation
VII-2 Reinstatement
VII-3 Retirement

ARTICLE VIII: GRIEVANCES AND HEARINGS

VIII-1 General Policy
VIII-2 Grievance Procedure
VIII-3 Hearing Procedure

ARTICLE IX: POLITICAL, ACTIVITY, RESIDENCY, INSURANCE

IX-1 Political Activity
IX-2 Membership on Boards and Commissions
IX-3 Residency
IX-4 Insurance

ARTICLE X: SEXUAL HARASSMENT AND OTHER UNLAWFUL HARRASSMENT; CIVILITY

- X-1 Purpose
- X-2 Policy
- X-3 Definition of Harassment
- X-4 Retaliation Prohibited
- X-5 Procedure
- X-6 Responsive Action
- X-7 Civility

ARTICLE XI: DRUG FREE WORKPLACE

- XI-1 Policy
- XI-2 Prohibitions
- XI-3 Notice of Conviction
- XI-4 City's Right to Test

NOTICE TO EMPLOYEES

City of Spring Hill employment practices operate under the legal doctrine known as “employment at will”. Within state and federal employment law, the City of Spring Hill has the right to terminate an employee at any time and for any reason, with or without notice, except that the City of Spring Hill will comply with all state and federal legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. The City of Spring Hill will attempt to ensure that employee terminations are not made in an arbitrary or capricious manner. However, this handbook and the personnel policies referenced do not constitute or imply a contract, agreement, promise or guarantee of employment or continued employment. The City of Spring Hill also reserves the right to change these policies at any time and without prior notice to employees.

The City of Spring Hill is an “Equal Opportunity Employer”. It is the policy of the City of Spring Hill that all personnel actions are conducted in a manner that provides equal opportunity to all employees and prospective employees. Every effort is taken to ensure that employees and prospective employees are treated fairly and their civil rights protected.

GOVERNING BODY OF THE CITY OF SPRING HILL

EMPLOYEE ACKNOWLEDGEMENT

By signing below, I acknowledge that it is my responsibility to have read and understood the policies outlined in this employee handbook, I understand that the handbook is intended only as a general reference and not a full statement of policies and procedures or a legal contract.

I agree to keep this book in my possession during my employment and to update it wherever provided with material to do so.

I further understand that each handbook is the property of the City of Spring Hill and that copying any section of the book is against regulations. I agree to return the book upon terminating my employment with the City of Spring Hill.

(Signature)

(Date)

GENERAL INFORMATION

PURPOSE

This handbook outlines the employment policies of the City of Spring Hill. The policies will inform employees of their benefits and responsibilities of their employment. The City of Spring Hill has developed these policies for the purpose of providing fair and consistent practices by Department Heads and employees.

The City of Spring Hill employment practices and policies will apply equally to all employees, unless exempted by law, contract or the terms of a policy. Where federal or state law or regulations supercede City of Spring Hill policies, employees will be instructed to observe the requirement of the state and federal laws.

This handbook provides a summary of the employment policies of the City of Spring Hill. Employment practices and policies in their complete form are available in the City Administrator's office.

EMPLOYMENT-AT-WILL DISCLAIMER

The City of Spring Hill, Kansas is an 'at-will' employer and operates under the provision that employees have the right to resign their position at any time, with or without notice and with or without cause. We, the employer, have similar rights to terminate the employment relationship at any time, with or without notice and with or without cause.

UNIFORM PERSONNEL RULES AND REGULATIONS HANDBOOK DISCLAIMER

This manual "Uniform Personnel Rules and Regulations" is provided as a guide and is not to be considered a contract. Only written statements made by the appropriate organizational representatives specified below are valid and binding employment contracts. The Mayor and City Council as a whole is the only body who can make binding employment contracts. These contracts must be in writing.

The City of Spring Hill reserves the right to make changes to the policies, procedures and other statements made in this handbook. Fiscal conditions, federal and state laws and organizational needs are constantly in flux and may require that portions of the handbook be re-written. This is necessary to successfully provide the appropriate employment relationship and to obtain the goals of the organization.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Spring Hill to provide equal employment opportunity to employees and applicants for employment without regard to race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

Equal employment opportunity applies to all terms, conditions and privileges of employment, including hiring, probation, training promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge and retirement.

WORKPLACE DISCRIMINATION

City of Spring Hill policy prohibits any employee acts of discrimination. The use of racial or ethnic jokes or derogatory remarks will not be tolerated, will be investigated, and disciplinary action will be taken, if warranted.

Furthermore, any type of retaliation for reporting discrimination is prohibited will be investigated, and disciplinary action will be taken, if warranted.

SAFETY AND HEALTH

City of Spring Hill requires employees to conduct job tasks safely to protect themselves and others at work. Every accident, near miss, or injury needs to be reported to a supervisor immediately. The supervisor or department head will file an incident report, first report of injury, and/or incident investigation report, as appropriate.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility in case of serious injury. In the other cases, the injured employee should seek medical attention using City of Spring Hill preferred workers compensation health provider list. Upon return to work, a physician's statement of medical condition and release to return to work must be submitted to the City Administrator's office.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor and the City Administrator's office to decide on return to work, restricted duty job opportunities, and eligibility for continuing employment, In the case of permanent disability due to job injury a final release settlement will be arranged, if appropriate.

CRIMINAL CONDUCT

Employees will not engage in any criminal conduct or conduct which, even though not criminal, may reflect adversely upon the City of Spring Hill or its officials. Activity of this nature will result in disciplinary action, up to and including termination.

EQUIPMENT AND PROPERTY

Employees are provided adequate tools, equipment, and vehicles to perform their job. It is the responsibility of the employees to use them safely and to cooperate in the maintenance of equipment owned by City of Spring Hill. Any employee operating a City of Spring Hill vehicle is required to have a current state driver's license. When using a personal vehicle for conducting City of Spring Hill business, the employee must provide proof of personal automobile liability coverage.

Any accident involving a City of Spring Hill vehicle or a personal vehicle while conducting City of Spring Hill business, the accident must be reported immediately to the appropriate law enforcement agency and to the employee's supervisor.

ARTICLE I

INTRODUCTION

Uniform Personnel Rules and Regulations. There is hereby incorporated by reference for the purpose of establishing uniform personnel rules and regulations for the City of Spring Hill, Kansas the "Uniform Personnel Rules and Regulations for the City of Spring Hill, Kansas" First Edition of 2004, prepared and published in booklet form by the City of Spring Hill, Kansas, save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Not less than three (3) copies of said Uniform Personnel Rules and Regulations shall be marked or stamped "Official Copy as Adopted by Resolution 559" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such deletion or change, and to it shall be attached a copy of this Resolution and filed with the City Clerk to be open to inspection by any interested party during regular office hours upon reasonable demand. All administrative departments of the City charged with enforcement of the Rules and Regulations shall be supplied at the cost of the City, such number of official copies of said standard marked Resolution similarly marked as may be deemed expedient.

I-1. Rules Established

The following rules, regulations, and other administrative provisions for personnel administration are established to:

- A) Promote and increase efficiency and economy in the City service;
- B) Provide fair and equal opportunity to all qualified citizens to enter City employment in all occupations on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection without regard to race, creed, color, sex, age, religion, national origin or ancestry, disability, military status or any other classification protected under applicable laws;
- C) Develop a program of recruitment, advancement and tenure which will make the City service attractive as a career;
- D) Establish and maintain a uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions in the City service to assure a fair and equitable wage or salary to all employees;
- E) Establish and promote high morale by providing good working relationships, uniform personnel policies, opportunity for advancement without regard to race, creed, color or sex, age, religion, national origin or ancestry, disability, military status or any other classification protected under applicable laws and consideration for employee needs and desires.

I-2. Administrative Responsibility

The personnel program consists of the sum of all policies and procedures related to personnel administration in the service of the City and shall be administered by the City Administrator and/or the City Clerk under the direction of the Mayor and City Council. The policies and procedures of the personnel program shall apply to all employees in the service of the City with the exception of elected officials.

I-3. Department Regulations

Because of the nature of the operations of various Departments, separate rules and regulations to fit special Departmental conditions are and will be necessary. In such cases supplementary rules shall, upon the approval of the City Administrator, be considered a part of this manual. This includes the Computer Procedures and Ethics Policy and the Internet and E-Mail Acceptable Use Guidelines.

In the event of any conflicting policies, rules or regulations, those that shall apply shall be based on the following descending order of documents: Kansas State Statute; then the City of Spring Hill Code of Ordinances; then this Uniform Personnel Rules and Regulations manual, including any supplemental interdepartmental personnel rules or policies that have been adopted.

ARTICLE II

Position Classification Plan

II-1. Position Classification Plan

Each position in the City government shall, on the basis of the duties, responsibilities, skill, experience, education and training required of the position, be allocated to an appropriate class which may include either a single position or two or more positions.

II-2. Job Descriptions

Each class shall have a specification that includes a concise descriptive title, a description of the duties and responsibilities of positions in the class and a statement of the qualifications for filling such positions. Such specifications shall be approved by the Mayor and City Council and shall be kept on file in the office of the City Clerk and shall be open to inspection by any interested party during regular office hours upon reasonable demand.

II-3. Job Classifications

Each job classification shall be assigned to an appropriate range of pay scale which has been approved by the Mayor and City Council.

II-4. Maintenance of Plan

The classification plan shall, from time to time, be reviewed to provide for changes in class duties necessitated by organizational adjustment, improved methods or new or revised service programs. The Mayor and City Council shall approve all new or revised class descriptions and upon recommendation of the Department Head and City Administrator, may reclassify, reassign or transfer any employee when such action is deemed essential or desirable for the improvement of City operations or the benefit of the employee.

II-5. Job Evaluation Process

Job evaluation is a means of determining how jobs should be ranked on the basis of the training required, the complexity of the work involved and the responsibility the employee must bear for the results of the work. The purpose of the City of Spring Hill's job evaluation plan is to:

- 1) Establish a clear identification of each position by job title and description.
- 2) Establish a series of salary grades; and with the help of salary surveys, establish salary ranges for each of these grades.
- 3) Through a careful job analysis, determine the training, initiative, responsibility, job conditions and supervisory qualifications necessary for the performance of each salaried

- and non-salaried job in the City of Spring Hill
- 4) Periodically audit changes in job content, and adjust salary ranges in accordance with area and industry practice.

The form entitled “City of Spring Hill Position evaluation application” should be used for job evaluation reviews.

ARTICLE III

RECRUITMENT, SELECTION AND PLACEMENT

III-1. Definitions

- A) Full-time employee is one employed to work a normal work week consisting of a minimum of 40 hours on a regular and continuing basis.
- B) Part-time employee is one employed to work less than a normal work week of 40 hours on a regular and continuing basis.
- C) Permanent employee is a full-time or part-time employee who has satisfactorily completed a probationary period.
- D) Temporary employee is one who works on an irregular and/or non-permanent basis.
- E) Seasonal employee is one who works on a regular and/or recurring basis during a specific “season” or portion of a year.
- F) A volunteer is a non-paid individual in the position he or she holds. The volunteer is not considered an employee of the City while performing duties of their position regardless of other City employment.

III-2. Qualifications of Employment

All new applicants for any positions shall meet the minimum qualifications for the position as set forth by the Mayor and City Council. Each applicant shall truthfully complete a job application form and a medical history form when required. The applicant shall successfully pass the physical fitness requirements for the job applied for and also successfully pass a physical examination performed by a doctor or clinic designated by the City. Other tests such as, but not limited to, drug screening, polygraph examination, psychological evaluation may be a requirement by individual departments.

III-3. Promotion and Transfers

The City of Spring Hill will strive to hire, transfer and promote the best candidate possible for each position based on qualifications, interests, organizational fit and enthusiasm.

Whenever appropriate, new and vacant positions will be filled from within by promoting or transferring qualified employees. However, the City is in no way limited to seeking job candidates only from its current pool of employees.

Length of continued service shall be considered in transfers and promotions where it is the only significant difference among employees with equal qualifications, interests, organizational fit and enthusiasm.

Transfers may be effected from one position to another within the same salary grade. Transfers

may be within a Department or between Departments.

The City Administrator may make appointments for transferring employees into the lower 25th percentile based on the employee's qualifications and upon the Department Head's recommendation. The Department Head and City Administrator may recommend appointments greater than the 26th percentile with the Mayor and City Council's approval.

Promotions may be effected by changing an employee on range to another higher range. An employee may be promoted within a Department or between City Departments. A promoted employee may have their salary increased by up to five percent or to the minimum of the new range.

Promotions may occur through a new or vacant position or through the job evaluation process.

All current City employees seeking promotion shall be expected to meet the minimum qualifications for the classification to which they seek promotion, including a physical examination and/or other tests when deemed necessary by the Mayor and City Council.

In the event of promotion from within the City organization, the promoted employee's evaluation date will change to the anniversary of the effective date of the promotion.

III-4. Probation

- A) Each employee shall satisfactorily complete a probationary period of six (6) months. Such probationary period shall be satisfactorily completed before being granted permanent employee status. Satisfactory completion of the probationary period will be determined by supervisor recommendations and performance evaluations completed at the end of three (3) months, and six (6) months. Any employee terminated during the probationary period shall be considered terminated for cause. The City may release any probationary employee for any reason, and the City shall not be obligated to provide a reason to the employee.
- B) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a ninety (90) day probationary period before being granted permanent status in his/her new classification. Any employee who fails to satisfactorily complete such probationary period shall be returned to the pay and positions he/she held immediately prior to his/her promotion or to a position with equal pay and responsibility.
- C) For new full time police officers having to attend academy training, the probation period is not to start until their academy training is completed, and their on-duty status begins.

III-5. Nepotism

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

ARTICLE IV
COMPENSATION

IV-1. Compensation

The City Council shall have the power to establish compensation for employees by resolution.

- A) All employees shall be paid at the rates prescribed for the classification in which they are employed. Employees working on a part-time basis shall receive that portion of the salary assigned to their class to be determined by the actual time they work. Employees working less than full time and on an irregular basis shall be paid at an hourly rate.
- B) The promotion of an employee to a class with a higher salary range shall include an increase in his/her salary to at least the minimum for the new classification.
- C) In the event an employee is reclassified or demoted to a lower classification, his/her hourly rate may be reduced to any step in the lower classification; however, in no event shall his/her salary be fixed at an amount greater than he/she was earning immediately prior to his demotion.

IV-2. Salary Range - New Employees

The minimum rate of pay for any person on his/her original appointment to a position in the City of Spring Hill shall be at the starting point of the salary range.

Original appointment above the minimum rate of pay may be made with the recommendation of the Department Head and approval of the City Administrator within the lower 25th percentile of the salary range. A condition of this appointment above the minimum rate will depend upon the Department's budgeted wage line item.

Original appointment below the minimum rate of pay may be made with the recommendation of the Department Head at a rate of 10% below the bottom of the salary range if the person does not meet the minimum qualifications for the position. The employee may be placed in this position for up to one year. At the time qualifications for the position are met and performance is deemed acceptable, the person will move up to the starting point of the range for that position.

A Department Head may request the City Administrator make appointments above the 26th percentile of the range and below the 50th percentile, subject to one or more of the following conditions:

- 1) The applicant clearly exceeds the minimum requirements for the position as set out in the official position description
- 2) The requesting Department provides documented evidence that the position opening has been extensively advertised in local and regional publications and there is a shortage of

qualified personnel

- 3) It is demonstrated by the requesting Department that there are no other applicants with equal qualifications

IV-3. Merit Salary Increase

Effective January 1, 2000 full-time employees hired after April 11, 1994 may receive an annual merit increase beginning the day following their anniversary date, based upon a performance evaluation from their Supervisor or Department Head. Full-time employees hired before April 11, 1994 may receive annual merit increases beginning the first full pay period of each year.

No employee will be allowed to receive base compensation above the maximum of their salary range. Employees near the maximum of their salary range may only receive the portion of the performance increase or cost of living adjustment that allows them to attain the maximum of the range. However, employees at the maximum of their range are still eligible for a range adjustment when salary ranges are adjusted.

IV-4. Performance Evaluation

- A) Employee performance evaluations shall be considered in determining merit salary increases or salary decreases within the limits established in the pay range; as a factor in promotions; as a factor in determining the order of layoffs and as a means of discovering employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.
- B) An evaluation of each employee's performance of his/her duties and responsibilities shall be made by each Department Head or authorized supervisor. The evaluation shall be in writing upon such forms as are approved by the Mayor and City Council. Supervisors may evaluate an employee at any time, and if needed, multiple times in a year. Supervisors shall evaluate each employee at least one time per year.

IV-5. Pay Days

Employees shall be paid every other Friday commencing on Friday, July 31, 1981, except when a pay day falls on a holiday and in that event the pay day will be the last regular working day preceding the holiday.

IV-6. Pay on Termination

- A) An employee who is terminated from the City regardless of cause shall receive his/her final paycheck on the first regularly scheduled payday following his/her termination.
- B) Employees discharged for cause and those who voluntarily terminate without giving a minimum of two work weeks notice shall not be eligible to receive pay for any accrued benefits other than unused vacation time.

- C) In all cases of termination, an employee's final paycheck shall be held by the City Clerk until the employee's immediate supervisor certifies that all City equipment, keys, ID cards, credit cards, etc. have been returned. In those cases where such equipment is not returned an equivalent dollar amount shall be determined and deducted from the final paycheck as a reimbursement for such items.

IV-7. Flex time

- A) The use of flex-time allows an employee to work during hours other than those normally worked in order to create time off during normal work hours during that work week or pay period. All flex-time hours must be approved by the employee's Department Head.
- B) Flex-time hours shall be taken at the employee's option. A Department Head may not require that flex-time be taken in lieu of overtime or compensatory time.

IV-8. Overtime Work

- A) Exempt Employees: Employees who are designated as exempt shall not be entitled to overtime pay.
- B) Non-Exempt Employees:
 - 1) All non-exempt employees will be compensated for authorized overtime work. All hours credited to a non-exempt employee for pay purposes in excess of forty (40) hours in a work week shall be deemed as overtime and shall be compensated at the rate of one and one-half (1 1/2) time the regular hourly pay schedule.
 - 2) When mandatory attendance at meetings and/or training sessions is required, and this is outside regular scheduled work hours, the time spent will be considered overtime, unless flex-time is taken.
- C) Computation of Overtime
 - 1) Hours for which an employee is paid on a holiday when he/she has not actually worked shall be credited, for overtime purposes, as hours actually worked. Example: If an employee actually works five full days in a work week, and does not work on a holiday, he shall be paid forty hours at straight time and eight hours at time and a half.
 - 2) In all other cases, an employee must actually work 40 hours before he/she will be paid time and a half for hours over forty. Example: If an employee actually works 35 hours in a work week, and is on sick leave for an additional day, the employee shall be paid 43 hours at straight time.
 - 3) Overtime shall only be paid for holiday hours or for hours actually worked. Example: If an employee actually works 44 hours in a work week, and is on sick leave an additional

day, the employee shall be paid 48 hours at straight time and 4 hours at time and a half.

IV-9. Compensatory Time

Defined: Compensatory ("Comp") time is time off which may be accrued, at the employee's option, in lieu of immediate overtime pay in cash.

Exempt employees:

- A) Exempt employees may receive compensatory time only for mandatory attendance at meetings and/or training sessions when these are outside regularly scheduled work hours.
- B) Exempt employees will accrue compensatory time at a rate of one hour of comp time for one hour worked.

Non-Exempt employees:

- A) Compensatory time may be accrued in lieu of immediate overtime pay in cash. Compensatory time will only be allowed after an agreement or understanding has been reached between the employee and his/her Supervisor.
- B) Compensatory time will be accrued at a rate of one and one-half (1 1/2) hours for each hour of overtime worked.
- C) The following rules regarding compensatory time apply to all non-exempt employees:
 - 1) All full-time employees can accumulate no more than 80 hours of unused comp time.
 - 2) The use of compensatory time off shall be granted by the supervisor within reasonable time after it is requested. The granting of such time off shall not unduly disrupt the operations of the department or City.
 - 3) Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is the higher.

IV-10. Shift Trading

Employees are permitted to swap shifts, if approved by the Department Head without the City being subject to overtime liability or being required to keep records. The agreement or practice by employees engaged in law enforcement activities of substituting for one another on regularly scheduled tours of duty, or part thereof shall be deemed to have no effect on hours of work or overtime compensation if:

- A) The substituting is done voluntarily by the employees and not at the request of the City;

- B) The reason for substituting is due not to the City's request but to the employee's desire or need to attend to a personal matter;
- C) A record is maintained by the Department Head of all time substituted by his/her employees. This substituted time will not be submitted to the City Clerk on his/her time card for compensation;
- D) The Department Head will insure that the time substituted for will be paid back and this time period does not exceed twelve (12) months. (see K.S.A. 44-1204(d))

IV-11. Special Detail Work

Public Safety employees may accept special detail assignments with second employers, with the Department Head's approval, without the City being subject to overtime liability for those additional hours.

This provision means that City police officers and other public safety employees may "moonlight" by working at concerts, sports events, escorts, parades, construction sites, etc., without the hours being treated as overtime work. This applies even if the City requires that the second employer hire a City police officer for specified work or facilitates the employment by acting as the financial intermediary.

IV-12. Dual Employment

Employees may be allowed to additional part-time work for the City without the hours being counted as overtime work if:

- A) The work must be in a different capacity from the employees regular job;
- B) The part-time work must be on an occasional or sporadic basis.
 - 1) This part-time work for example, a police officer could be hired to sell tickets at a sporting event sponsored by the City without the additional hours being added to his/her regular hours for purposes of determining overtime compensation.

IV-13. Pay Records

The City Clerk shall be required to keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation, sick or other leave, accrued overtime and all other records directed to be made and maintained under these policies and guidelines or applicable state or federal law. An employee's personnel file shall be available during regular office hours and upon reasonable request.

IV-14. Call Back Time/Standby Status/Compensation

A. Call Back Time

1. A Department Director may call an employee in to work after a regular work schedule.
2. All Non-Exempt employees who are eligible to receive overtime compensation and are called in to work on a regular day off or are called back to work after a regular work schedule shall be paid at the appropriate rate of pay for hours worked. Such employees shall be paid a minimum of two hours.
3. The minimum of two hours shall not apply if the employee was on standby when called back to work, nor shall it apply if the employee was called in or called back during the two hour period immediately prior to the beginning of the employee's next regularly scheduled work shift.
4. Only the hours worked shall be credited in determining eligibility for overtime compensation.

B. Standby Status/Compensation

1. Standby means a period of time outside an employee's regularly scheduled work hours during which the employee is required to remain available to the City within a specified response time.
2. A Department Director may require an employee to be on standby status. Each employee shall be available, at the Director's discretion, for recall to perform necessary work. Standby assignments shall be limited to work situations where a probability of recall of the employee exists.
3. Only non-exempt employees are eligible to receive standby compensation.
4. Each employee who is eligible to receive standby compensation shall be paid an amount of fifty-dollars for the duration of their assigned standby time.
5. Each employee on standby status who is called into work shall be compensated for the actual hours worked at the appropriate rate of pay. Only the hours actually worked by the employee shall be credited in determining eligibility for overtime compensation.
6. When an employee is restricted to a particular telephone number at a particular location designated by the employer, or to the employer's premises, in order to remain personally available to the employer, the employee shall be compensated at their appropriate rate of pay and shall not receive standby compensation.
7. Any employee on standby status who is not available when called, does not respond to call back or fails to fulfill the responsibilities assigned to standby status as defined by their Department Director, shall lose standby compensation for that standby period and may be subject to disciplinary action as defined in ARTICLE VI of this document.

ARTICLE V

ATTENDANCE AND LEAVES

V-1. Hours of Work

The normal work week shall be forty (40) hours consisting of eight (8) hour work days from Friday at 7:00 p.m. to Friday at 7:00 p.m. No employee shall be permitted to work in excess of forty (40) hours per work week except when an emergency exists or overtime work necessary to carry out normal and essential services of the City is assigned by his/her immediate supervisor.

V-2. Holidays

The Mayor and City Council shall, at or by, the last regular council meeting in December of each year, by resolution, determine the nine (9) holidays to be recognized by the City upon which the City offices shall be closed for the ensuing year. In addition, the Mayor and City Council shall either designate a tenth holiday or allow employees to take a 'floating' holiday on a day of their choice, with the approval of their supervisor. A copy of this resolution shall be posted, in clear view of the public, in City Hall.

- A) Holidays that fall on a Saturday will be observed on the preceding Friday and those that fall on Sunday will be observed on the following Monday.
- B) The Mayor and City Council may grant the Mayor authority to designate other days as special holidays.
- C) Compensation for Holidays
 - 1) All employees will receive payment for their regular daily shift on a holiday (i.e. straight time).
 - 2) Employees required to work on a holiday shall be compensated at their hourly rate for hours worked in addition to payment for their regular shift. (For example, an employee who works an eight-hour shift on a holiday will be paid double-time, not triple-time.)
 - 3) Employees in departments or department divisions which typically work on a seven-day schedule, as opposed to a five-day schedule, will receive holiday pay if they work on an actual holiday, rather than a holiday observed the preceding Friday or subsequent Monday. (For example, an employee of such a department who works on Sunday, December 25, will receive double-time; an employee of such a department who works on Monday, December 26, shall receive straight time.)
 - 4) At the employee's option, and with the permission of the Department Head, an employee who works on a holiday may be paid at his/her hourly rate (i.e. straight time) and take an alternate day off in that pay period in lieu of receiving double-time for the holiday.
 - 5) Seasonal and temporary employees shall not receive paid holidays.

V-3. Vacation Leave

- A) Amount: Each full-time employee shall receive vacation leave credit annually as follows:
- 1) Seven (7) hours per month beginning with first month of employment to the tenth year of service. (10.5 days per year)
 - 2) Ten (10) hours per month after ten (10) years of service. (15 days per year)
 - 3) Fourteen (14) hours per month after twenty (20) years of service. (21 days per year)
 - 4) A regular employee appointed on or prior to the fifteenth (15th) day of a month shall receive vacation leave credit for that month; such employee appointed after the fifteenth (15th) day of a month shall not receive vacation credit for that month.
- B) When Taken: No accumulated annual leave may be taken by an employee until they have been in service of the City continuously for a period of six (6) months. An employee who is not in the service of the City continuously for a period of six months before being separated from the City's service shall not receive any payment for accrued vacation leave. Each Department Head shall schedule vacation leave with particular regard to operating requirements and, insofar as possible, with the requests of employees.
- C) Accrual: Employees having less than ten (10) years service may not accrue more than one hundred twenty (120) hours of vacation leave without being placed into a "use or lose" category. Employees having ten (10) years or more service may not accrue more than one hundred sixty (160) hours of vacation leave without being placed into a "use or lose" category. The City Administrator may extend for a limited time the maximum accrued vacation leave when it is determined an employee cannot be allowed to take vacation leave due to temporary heavy work schedules.
- D) Terminal Leave: Any non-probationary employee leaving the services of the City shall be compensated for vacation leave credited and unused to the date of his/her separation or resignation. If his/her separation or resignation occurs prior to the fifteenth of the month they shall receive no leave credit for that month. On or after the fifteenth, the employee shall receive vacation credit for that month. In case of death of the employee, compensation shall be paid to the surviving spouse or the employee's estate for all unused vacation leave.
- E) Vacation Leave Sell Back: An employee shall be allowed to sell back to the City up to five (5) days of vacation leave, provided that he/she is not in a new-hire probationary status and has used at least ten (10) days or eighty hours of authorized leave (annual or compensatory) in the preceding calendar year. Employees wishing to sell back vacation leave shall notify the City Administrator in writing during the first work week of December of each year.
- F) Holidays Occurring During Vacation Period: Any official holiday as set forth in this article that occurs during an employee's scheduled vacation shall not be counted as a day of vacation.
- G) Illness Occurring During Vacation Period: There is no refund of vacation time for illness that

occurs while on vacation leave.

V-4. Sick and/or Emergency Leave

- A) Amount: Each full-time regular employee will be credited sick and/or emergency leave in accordance with the following:
- 1) Sick and/or emergency leave may be accumulated but not taken until such employee has completed three (3) months continuous service with the City. Each employee shall be allowed ten (10) hours of sick and/or emergency leave per each month of continuous service.
 - 2) A regular employee appointed on or before the fifteenth (15th) day of a month shall accumulate sick and/or emergency leave credit for that month; such employee appointed after the fifteenth (15th) day of a month will not accumulate credit for that month.
 - 3) Each employee shall be allowed to accumulate a sick and/or emergency leave reserve up to a maximum of sixty (60) days; or 480 hours.
- B) Sick Leave: Sick leave with pay must be earned or accumulated before it can be granted. Employees shall not be allowed to use sick leave before it is earned and thereby accrue a negative sick leave balance. Sick leave with pay will be granted for absence from duty and will be limited to actual personal illness, non-compensable bodily injury or disease, exposure to contagious disease, or to keep a doctor's or dentist's appointment. An employee who is sick or disabled and has exhausted their sick leave may use their vacation leave with approval of the City Administrator.
- C) Emergency Leave: Emergency leave with pay will be granted for absence due to sickness of a close relative or of a relative residing in the household. Close relative shall include: spouse, mother or father, sister or brother, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, and any children of present or previous marriages.
- D) Determination: Determination of whether an employee shall be entitled to emergency leave shall be made by the Department Head. Any employee who disagrees with the decision made shall have the right to appeal such decision to the City Administrator. The decision of the City Administrator shall be a final determination of the issue.
- E) Length of Time: Any appointive officer or employee of the City, absent on account of sickness for more than five (5) days, shall on request furnish to their Department Head, from a health care provider, a certificate stating clearly the nature of the illness, the cause of such illness and the probable length of time such appointive officer or employee will be absent because of such illness.
- F) Unused Sick Leave: Sick and/or emergency leave credits are not to be considered as having a cash value in the event of termination of employment, and the employee shall not be paid for any unused or accumulated sick leave or emergency leave, excepting that:
- 1) employees terminating upon retirement will be paid 100% of accumulated sick leave.

Payment will be computed based on employee's rate of pay at time of retirement.-

- G) Improperly Claimed Sick Leave: Any employee who improperly claims sick and/or emergency leave shall be subject to disciplinary action, including loss of pay or dismissal.

V-5. Disability Benefits

- A) On the Job Injury Leave - Workers Compensation Act. Employees injured on the job are covered by the Kansas State Workmen's Compensation Act. This law provides specific benefits to the injured employee. To initiate a claim, the following procedure is established.

- 1) The employee shall immediately report any injury, regardless of extent, to his/her immediate supervisor.
- 2) The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to a duly licensed physician.
- 3) The supervisor, with the help of the employee, shall prepare a "Supplementary Record of Occupational Injuries and Illness (OSHA No. 1101)" forwarding the original copy to the City Clerk within twenty-four (24) hours.
- 4) Upon initiation of Workmen's Compensation payment, the employee has one of the following options;
 - (a) Request leave of absence and accept compensation from the State Workmen's Compensation Division without loss of accumulated sick leave.
 - (b) Accept sick leave and turn all compensation payments received from the State Workmen's Compensation Division to the City of Spring Hill, Kansas.
 - (c) Accept compensation payments from the State Workmen's Compensation Division and receive part payment from the City of Spring Hill to bring employee to full pay. This partial payment being charged to the employee's sick and/or emergency leave credit.

Before an employee will be allowed to return to work, after a job related accident, the City will require that the employee be released for work by the doctor or clinic designated by the City.

Other personal illness, non-compensable bodily injury or disease will be regulated by Section V-4(E).

B) Off the Job Illness or Injury -- Extended Disability Leave. Employees who become totally disabled due to off the job illness or injury are eligible for extended disability leave benefits.

1) Policy.

- (a) Extended disability leave is a leave of absence during which the employee receives one-half (1/2) of his/her usual rate of pay. Only full time employees may be considered for this benefit.
- (b) Accrual of sick and vacation benefits will continue at a rate of ½ normal rate. Holiday pay will continue. City provided insurance will continue during the first 90 days of leave. Insurance costs become the responsibility of the employee after that time.
- (c) Leaves may be authorized on a month to month basis by the City Administrator.
- (d) Leave is to be requested by the employee's Department Head or supervisor to the City Administrator.
- (e) Determination of whether an employee shall be entitled to extended disability leave shall be made by the City Administrator.

Any employee who disagrees with the decision made shall have the right to appeal such decision to the City Council at their next regular meeting following such ruling or determination. Determination by the City Council shall be a final determination of the issue.

2) Definition.

- (a) Total disability exists when the employee on account of the off the job injury or illness has been rendered completely incapable of engaging in any type of substantial and gainful employment.

3) Limitations.

- (a) Proven Disability. Extended disability leave shall not be considered until and unless a duly licensed health practitioner submits an extensive medical statement proving that the employee is disabled and not able to work.
- (b) Extended disability leave shall not become effective until all accrued and unused sick compensatory, and vacation time has been exhausted.
- (c) Extended disability leave shall be for as short a time as medically possible. In no event shall the combined extended disability leave and accrued time (V-5 B 3)(b)) exceed six (6) calendar months, and it shall terminate upon the employee's eligibility to receive benefits from KPERS, whichever event occurs first.

- (d) Before employees will be allowed to return to work, after receiving extended disability leave benefits, the City Administrator will require the employee be released for work by a doctor or a clinic designated by the City Administrator.

V-6. Maternity Leave

- A) The employee has a duty to inform their supervisor of a pregnancy and any health or schedule concerns as soon as is reasonable under the circumstances.
- B) If an employee has at least one year of service on her last working day, and pregnancy is the reason for leaving, she may request to be put on a maternity leave of absence status. Such status may last up to six months from the date of birth or the termination of the pregnancy. The employee's position will be available upon her return to work within the six-month time period. Her return to work will be contingent upon her doctor's written approval.
- C) When an employee leaves on a maternity leave basis, she may receive time off with pay for all accrued sick and/or emergency, compensatory, and accrued vacation leave, if requested by the employee. Any remaining leave will be without pay. Benefit accrual and holiday pay continues during the leave with pay and ceases during the period of leave without pay. When she returns to work she will commence accruing sick leave and vacation leave in accordance with established policy and without it being considered a break in service. City provided insurance will continue during the first 90 days of leave. Insurance costs becomes the responsibility of the employee after that time.

V-7. Military Leave

Military duty means training and service performed by an inductee or enlistee in the armed forces of the United States, including time spent in reporting for and returning from such training or service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard.

- A) Eligibility: Any employee who leaves City service for military duty shall be placed on military leave without pay, such leave to extend through a date of thirty (30) days after his/her release from service. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay. (see K.S.A. 73-213 et seq)
- B) Restoration: An employee returning from military leave shall be entitled to restoration to his/her former position or a position of like pay and responsibility, provided he/she makes application for reinstatement within thirty (30) days after his/her release from duty and, provided further, he/she is physically and mentally capable of performing the duties of the position involved.
- C) Benefits: Neither benefit accrual nor Holiday pay will occur during leave. Upon restoration to City service the employee shall be restored all unused vacation and sick leave accruals. City provided insurance will not continue during leave.

- D) Military Training: Any employee who is a member of any reserve component of the United States armed forces or the Kansas National Guard shall be granted military leave for a short tour of active duty or field training encampment. (see K.S.A. 48-222) In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the difference between his military pay and his city salary for a period not to exceed fifteen (15) days.

V-8. Civil Leave

- A) Civil Leave with Pay: An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as witness in answer 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 (2) hours before or after the employee's scheduled hours of work.
- B) Civil Leave without Pay: If an employee is involved in court in a personal case either as plaintiff or as defendant in a suit not resulting from his duties with the City, he/she may be granted leave without pay unless the employee elects to utilize any available vacation leave and/or up to three days personal sick leave.

V-9. Bereavement Leave

In case of the death of an employees' immediate family, an employee may be granted bereavement leave, with pay, not exceeding three (3) working days per funeral. Immediate family shall include: spouse, any children of present or previous marriages, mother, father, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparents of employee/employee's spouse, or grandchildren of the employee.

V-10. Other Leave

- A) Meetings, Seminars: Any employee may be granted leave with pay to attend meetings, seminars and convention of professional and technical organizations when such attendance is properly authorized by the City Administrator.
- B) Leave of Absence: An employee, upon written request and with the approval of his/her Department Head and the City Administrator, may be granted a leave of absence without pay for a period of one (1) year subject to prior approval by Mayor and City Council. Benefits shall not accrue during a leave of absence. City provided insurance will not continue during the leave of absence.
- C) Administrative Leave: The City Administrator may grant an employee leave with pay in exceptional circumstances. Upon granting such leave, the City Administrator shall immediately notify the Mayor and City Council. (Resolution 353)

V-11. Educational Leave

A) Educational Leave of Absence Without Pay:

- 1) Leave may be granted to an employee not to exceed twelve (12) consecutive months. Course work shall be related to his/her career. The leave must be approved by the Mayor and City Council to maintain seniority. Benefits shall not accrue during an educational leave of absence without pay. City provided insurance will not continue during the leave of absence.
- 2) Requests shall be submitted in writing to the Department Head stating reasons for the request, course summary, the date the leave will begin, and probable date of return. If, upon the investigation of the Mayor and City Council, it is found that educational leave will be beneficial to the City, as well as to the employee, and it is practical to allow the employee's position to remain vacant or to be filled by a temporary employee, educational leave without pay may be granted. Employee must give the City ninety (90) days written notice of his/her intention to return to the employment of the City prior to the end of his educational leave or the City shall assume that the employee does not intend to return.

B) Educational Leave of Absence With Pay:

- 1) Educational leave with pay will be granted for the state mandated training, educational courses that lead to a state required certificate, or when it is determined by the City Administrator that such training will be beneficial to the City. Such leave will only be granted after it has been approved by the City Administrator. Department Heads will make an effort to insure that taking such leave will not result in overtime payment. All tuition payments must be approved by the Mayor and City Council.
- 2) Requests shall be submitted in writing to the Department Head stating course summary, course costs, certificate to be acquired, dates and times of classes, and the probable last day of class. The Department Head will make his/her recommendation to the City Administrator for approval.

- C) Educational Tuition Repayment for Off-Duty Courses: Any full-time employee may request permission to take off-duty educational courses. The Department Head shall review request and determine if the educational courses, cost and location of the courses requested will be beneficial to the City, as well as to the employee. The Department Head shall review and recommend to the City Administrator for approval; only after approval has been granted by the City Administrator will the employee be assured of tuition repayment. A copy of this approval and signed agreement by the employee shall be placed in the employee's personnel file. All courses taken will be on employee's off time and will not interfere with regular scheduled work hours established by the Department Head nor be considered time worked. Requests for tuition repayment shall be submitted to the Department Head, attached thereto a copy of the paid tuition receipt and proof of successful completion of course or courses. No lab fees, materials or book costs shall be reimbursable. The Department Head will then

approve the request and certify to the City Clerk for tuition repayment.

- D) Repayment of Tuition in the Event of Termination: An accounting shall be kept, on an individual basis, of educational tuition paid to employees. Upon termination, either voluntary or non-voluntary, a refund may be due the City. A review of the agreement signed by the employee will determine if a reimbursement to the City is required.

ARTICLE VI

DISCIPLINE

VI-1. Authority to Discipline

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 department guidelines. Department Heads are required to fully inform the City Administrator of all violations of City policy or departmental regulations by any employee.

VI-2. General Policy

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 with 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 employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee 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 adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her Department Head or supervisor to consider disciplinary actions to correct the problem.

An employee is subject to disciplinary action if:

- A) The employee engages in any conduct which hampers, endangers or is contrary to the mission and goals of the City.
- B) The employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works;
- C) The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations;
- D) The employee has performed an act of misconduct, or has failed to perform an act which results in misconduct.

VI-3. Disciplinary Actions

The following types of disciplinary actions are officially recognized by the Mayor and City Council:

- A) Verbal Warning. A verbal warning is an oral reprimand given to an employee by his or her

supervisor or Department Head. A record of the warning shall be recorded in the employee's file.

- B) Reprimand. A reprimand is a written censure to an employee by his or her supervisor or Department Head, a copy of which shall be recorded in the employee's file.
- C) Probation. Probation is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
- D) Salary Reduction. A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- E) Demotion. A demotion is the placement of an employee into a position of a lower pay range.
- F) Suspension. A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- G) Termination. Termination is the removal of an employee from City employment.

VI-4. Procedure for Disciplinary Action

Whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor or Department Head justifies the application of disciplinary actions, other than a verbal warning, the supervisor or Department Head shall:

- A) Document the misconduct in writing.
- B) Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, Department Head or other persons requested to be present by the Department Head.
- C) Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
- D) Make a final decision as to the disciplinary action.
- E) Notify the employee of the action in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Administrator for insertion in the employee's personnel file.
- F) At the time a disciplinary action commences, the employee's supervisor or Department Head shall notify the employee of his or her right to file a grievance under the City's grievance procedure as set out in Article VIII.

VI-5. Misconduct Subject to Disciplinary Action

The following is a short list of misconduct which may subject an employee to disciplinary action. The list is not exclusive, it is only representative of the types of misconduct which subject an employee to disciplinary action.

- A) Conduct which hampers, endangers or is contrary to the mission and goals of the City
- B) Conviction of a violation of any state or federal criminal law.
- C) Conviction of violation of any City law.
- D) Failure to follow prescribed safety procedures including failure to notify his or her supervisor of unsafe working conditions.
- E) Violation of personnel policies and guidelines or departmental policies and guidelines.
- F) Inattention to duty, carelessness, breakage or loss of public property or funds.
- G) Incompetence or inefficiency in the performance of the duties of his or her position.
- H) Insubordination or other breach of discipline.
- I) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to employees and officer of the City.
- J) Abuse of leave, excessive absenteeism or tardiness.
- K) Temporarily leaving the workplace without the approval of his or her supervisor.
- L) Failure to give proper notice of absence.
- M) Sleeping on the job.
- N) Use of alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired.
- O) Inducing or attempting to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- P) Unauthorized possession of firearms or other weapons on the job.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an

investigation and review of the matter.

An employee may be suspended with pay when he or she has been arrested for a crime and is awaiting legal adjudication. An employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

VI-6. Termination.

Examples of serious misconduct for which an employee may be terminated, following notice and an opportunity for a hearing as provided for in Article VIII, are listed below. The following list is not exclusive, it is only representative of the types of misconduct which subject an employee to termination. Possible reasons for termination under this section, although not exclusive but only representative, may constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- A) Conduct which hampers, endangers or is contrary to the mission and goals of the City
- B) Conviction of a felony or conviction of driving under the influence while operating a City vehicle.
- C) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- D) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- E) Negligent or willful damage to public property or waste of public supplies or equipment.
- F) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- G) Gross incompetence, neglect of duty or willful or continued failure to render satisfactory service.
- H) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Head or knowingly making a false statement to any employee or officer of the City.
- I) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- J) Absence without leave.
- K) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.

- L) Sexual harassment.
- M) Disclosing confidential records or information unless directed to do so by his or her Department Head or supervisor.
- N) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of City employment.
- O) Material falsification of application for City employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- P) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- Q) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the City.
- R) Discharge of duties in a manner which results in discrimination to any person on the basis of race, creed, color, sex, age, physical or mental disability or national origin.

ARTICLE VII

SEPARATION

VII-1. Resignation

An employee who terminates his/her employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of two work weeks written notice to his/her immediate supervisor or Department Head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Head.

VII-2. Reinstatement

An employee who was terminated in good standing and who is re-employed within a period of 120 calendar days following separation may be reinstated at not more than the salary he or she was receiving at the time of his/her termination. Upon reinstatement within 120 calendar days following separation, an employee shall receive credit for all unused sick leave he/she had accrued as of the time of separation.

VII-3. Retirement

- A) 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.
- B) The normal retirement date for all employees shall be on the first day of the month following the month in which they attain age sixty-five (65), except as provided in paragraph (C).
- C) In unusual circumstances and when it is deemed in the best interest of the City, the Mayor and City Council may, upon written request of Mayor-Council, extend the date of retirement, pursuant to K.S.A. 74-4914.
- D) Upon retirement the employee shall receive one (1) lump sum payment based on the following formula: average the salary for the last five (5) years of employment and the retiring employee shall be given one (1) days pay, based on this hourly rate, for every year of service to the City.

ARTICLE VIII

GRIEVANCES AND HEARINGS

VIII-1. General Policy

Any employee has the right to present a complaint or grievance concerning his or her job, working condition, salary, relationship between employees and co-workers, supervisor, or Departmental Head, the application of equal employment opportunity policies, or as an appeal of any disciplinary action taken pursuant to these policies. A sincere attempt should be made by each employee and supervisor to resolve any grievance before it becomes necessary to resort to the grievance procedure.

VIII-2. Grievance Procedure

The following grievance procedure is established:

- A) Any complaint or grievance shall initially be filed in writing by the employee with his or her supervisor within five (5) days of the incident. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven calendar days. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to his or her Department Head, who shall provide an answer to the employee within seven calendar days. If the complaint or grievance cannot be satisfied by the Department Head, the employee may forward his or written complaint to the City Administrator, who shall provide an answer to the employee within seven calendar days.
- B) If the complaint or grievance cannot be satisfied by the City Administrator, the employee may forward his or her written complaint or grievance to the Mayor and City Council, specifying the nature of the complaint or grievance, provided he or she has informed the City Administrator of his or her intentions to do so, and request a hearing thereon.

VIII-3. Hearing Procedure

The Mayor and City Council may conduct hearings in accordance with the following procedures:

- A) The hearing shall be held within 30 calendar days from receipt of the employee's request for such a hearing.
- B) At the hearing, all concerned parties shall be given an opportunity to present their respective side of the grievance together with any pertinent evidence or witnesses as deemed relevant by the Mayor and City Council. All parties shall have the right to cross-examine adverse witnesses and evidence.
- C) All parties shall be allowed the right to have legal counsel present.

- D) The Mayor and City Council may call for additional evidence as it deems proper.
- E) The Mayor and City Council shall not be bound by any legal policies of evidence.
- F) No City employee, serving as a witness, shall be subject to any restraint, interference, discrimination or reprisal for any of his or her testimony in such hearing.
- G) The Mayor and City Council shall render a decision in writing within five business days of the hearing's conclusion and such decision shall be supported by the evidence. A copy of the finding shall be provided to the employee and the Department Head and filed in the employee's personnel file.
- H) The hearing shall not be open to the public unless the employee and City both agree in writing to a public hearing.

ARTICLE IX

POLITICAL, ACTIVITY, RESIDENCY, INSURANCE

IX-1. Political Activity

- A) Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups and to become involved in political activities subject to the restrictions of this section.
- B) As private citizens, employees may participate in all political activities, including holding public office, except for activities, where holding an appointive or elective public office is incompatible with the employee's City employment.
- C) City employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates.
- D) Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective 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. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- E) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit, handle or receive 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.
- F) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- G) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

IX-2. Membership on Boards and Commissions

Employees are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance.

IX-3. Residency

- A) The City Administrator and Chief of Police shall be required to reside within the legal limits of the City of Spring Hill. Other Department Heads to include; Director of Public Works, Finance Director, Planning and Zoning Director and City Clerk shall be required to live within a 30 minute drive of their Department's Headquarters.
- B) Due to the emergency nature of their position, sworn law enforcement personnel are required to reside within a 30-minute drive of their Department's Headquarters.
- C) All employees are required to reside within the State of Kansas.
- D) An employee who changes his residence so that it fails to comply with the formally adopted policy of the City may be terminated.

IX-4. Insurance

- A) All full time employees shall be eligible for group medical, hospital, dental, and life insurance as soon as eligibility under the provisions of the insurance plan allows.
- B) The Mayor and City Council shall regularly determine the amount of premiums, if any, the City shall pay.
- C) When a full time employee is required to pay premiums because of participation in a group medical, dental, or life plan, the amount of such premium shall be deducted from the employee's pay check the first and second pay day of each month.
- D) No employee shall be entitled to a cash payment of any kind in lieu of medical and hospital insurance coverage.

ARTICLE X

SEXUAL HARASSMENT AND OTHER UNLAWFUL HARASSMENT, CIVILITY

X-1. PURPOSE

The City of Spring Hill is committed to providing a zero-tolerance work environment that prohibits discrimination practices, including harassment, and promotes equal employment opportunities.

X-2. POLICY

It is the policy of the City of Spring Hill, Kansas to prohibit all forms or manner of sexual harassment of any person employed by the City and to provide a work place environment free from unsolicited and unwelcome sexual overtures which weaken morale and interfere with work efficiency and productivity. Furthermore, it is the policy of the City to prohibit any discrimination or harassment on the basis of race, color, national origin, religion, sex (with or without sexual conduct), age religion, or any other legally protected characteristic.

X-3. DEFINITION OF HARASSMENT

Sexual or other unlawful harassment, whether overt or subtle, is employee misconduct that is demeaning to another person (may involve individuals of the same or different gender), which undermines the integrity of the employment relation ship.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws, and defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature.

This conduct may include, but are not limited to: unwanted sexual advances or request for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature' commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touch' insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sexual harassment may also involve sexual activity or language base on gender, i.e. male manger yells only at female employees and male, this form of harassment must be severe or pervasive and directed at employees because of their sex.

Other unlawful harassment prohibited by the City of Spring Hill, includes conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment, has the purpose or effect of unreasonable interfering with an individuals' work performance, and/or otherwise adversely affects an individual's employment opportunities, this form of harassment must be severe or pervasive and directed at an employee because of their legally protected characteristic.

Harassing conduct includes, but is not limited to” epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the work place of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

X-4. RETALIATION IS PROHIBITED

The City of Spring Hill prohibits retaliation against any individual who reports discrimination, harassment or participates in an investigation of such reports, and any retaliation may be subject to disciplinary action.

X-5. PROCEDURE

- A) City employees, while in the course of conducting City business, shall refrain from coercive sexual behavior that hinders the work environment and the career, salary, or job of an employee. Any employee so aggrieved shall bring the matter to the attention of their immediate Supervisor, or appropriate official.
- B) The Supervisor or Department Head or other official should promptly investigate the allegation and resolve the matter immediately.
- C) If the aggrieved party is not satisfied with the resolution of the matter, he/she shall follow the procedure outlined for grievances.
- D) Sexual harassment shall be defined as “deliberate or repeated unsolicited verbal comments, gesture, or physical contacts of sexual nature which are unwelcome.” This includes employee-to-supervisor, supervisor-to-employee, or employee-to- employee relations.

X-6. RESPONSIVE ACTION

Misconduct involving harassment or discrimination will be dealt with promptly and appropriately, and may include, for example, training referral to counseling, monitoring or the offender and /or disciplinary action such as warning, reprimand, withholding a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension with or without pay or termination, as the City of Spring Hill believes appropriate under the circumstances.

[This information is for the City of Spring Hill use only and does not apply in any criminal or civil proceeding. Nor shall this information be viewed as a conclusive explanation of any federal, state, or local law.]

X-7. CIVILITY

- A) CIVILITY OF EMPLOYEES
 - 1) All employees shall behave with civility, fairness and respect in dealing with fellow employees, citizens, visitors and anyone else having business with the

City. Uncivil behaviors are prohibited.

- 2) Uncivil behaviors shall be defined as any that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion, or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, face-to-face conversations written letters and/or e-mail messages.
- 3) Any uncivil behavior should be reported to the immediate supervisor. A record shall be made of the incident and the action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person.
- 4) Retaliation against a person who reports a claim of uncivil behavior shall be prohibited.

B) CIVILITY TOWARD EMPLOYEES

- 1) Anyone having interaction(s) with employees of the City shall treat them with professionalism, courtesy, dignity and respect. Uncivil behaviors shall be prohibited.
- 2) Uncivil behaviors shall be defined as any that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior include, but are not limited to, use of profanity, personally insulting remarks, attacks on a person's race, gender, nationality, religion, or behavior that is out of control. Such interactions could occur in telephone conversations, voice mail messages, face-to-face conversations written letters and/or e-mail messages.
- 3) Any uncivil behavior should be reported to the immediate supervisor. A record shall be made of the incident and the action taken. Confidentiality shall be observed whenever possible to protect the complainant and the offending person.
- 4) Retaliation against a person who reports a claim of uncivil behavior shall be prohibited.

ARTICLE XI

DRUG-FREE WORKPLACE

Drug abuse in the workplace creates a danger to the person abusing drugs, fellow employees he/she come into contact with, and the public at large. Accordingly, this article is promulgated to set forth the City's policy and program prohibiting alcohol, illegal drugs, and controlled substances in the workplace.

XI-1. Policy

The City of Spring Hill prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol/intoxicants, drugs, and controlled substances in the workplace. Any employee who violates this policy will be subject to disciplinary actions, which may include termination.

XI-2. Prohibitions

- A) No employee shall report to work under the influence of alcohol/intoxicants, drugs, or controlled substances.
- B) No employee shall unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances in any manner on City premises or in City vehicles at any time, whether or not performing City business, or while performing City business at any location. (This section does not apply to any employee performing legitimate law enforcement responsibilities.)
- C) No employee shall use any item of City property or use his/her City position to make or traffic alcohol/intoxicants, illegal drugs, or controlled substances for their own purposes.

XI-3. Notice of Conviction

- A) Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the City Administrator of such conviction no later than five days after conviction.
- B) The City shall, within 10 calendar days after receiving notice of the conviction of an employee for a criminal drug statute violation occurring in the workplace, notify all Federal agencies from whom it receives grant funding of such conviction.
- C) The City shall, within 30 calendar days of receiving notice of the conviction of an employee of a criminal drug statute violation occurring in the workplace, either
 - (1) take appropriate personnel action against such employee according to the City's uniform personnel rules and regulations, up to and including termination, or

- (2) require such employee 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 appropriate agency.

XI-4. City's Right to Test

The City reserves the right to request drug and/or alcohol screening of any employee who appears to his/her supervisor to be under the influence of drugs or alcohol. The supervisor must be able to substantiate physical indicators or probable drug or alcohol use, except that any employee involved in an accident or injury may be required to submit to a drug screening and/or blood alcohol test. The City will pay for any required testing. Following a mandatory drug or alcohol test, an employee will not be allowed to return to work until notified to do so by his/her supervisor. If the test results are negative, the employee will be paid for all working hours missed. If the test results are positive, no compensation will be paid for missed work hours.