

PERSONNEL MANUAL

CITY OF BASEHOR, KANSAS

AN EQUAL OPPORTUNITY EMPLOYER

EFFECTIVE

August 1, 2010

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PREFACE

This manual represents a compilation of written personnel policies, procedures, and guidelines for employees of the City of Basehor, Kansas. These policies and procedures are designed to recognize the personal needs of the employee as well as provide administrative direction, conformity, and continuity in the workplace. These policies, procedures, and guidelines are adopted by the City Council and can only be changed by approval of the City Council.

This manual shall be made available to all employees. Each department head and supervisor responsible for the direction of employees shall also be responsible for the administration and execution of the policies contained herein. Each employee is responsible to know the policies, procedures, and guidelines contained in the manual, and become aware of any changes forthcoming.

The City of Basehor is an **employment-at-will** employer. **Employment-at-will** means that the employee works at the will and pleasure of the employer. Nothing contained in this manual, or any result of administration of the policies herein, shall be construed as an employment contract.

The policies, procedures, and guidelines contained in this manual are not exclusive, and may not address every personnel issue. They shall apply to all employees in the service of the City, except where superseded by specific provisions of a current memorandum of agreement governing a specific group of employees.

Interpretation, methods, and policy must be subject to continual review and modification. Administration shall see that all authorized changes are prepared and distributed for inclusion in the manual. Any questions concerning interpretation of policy, procedures to be followed, or direction or clarification of any other subjects concerning personnel matters of the City of Basehor will be first directed to the appropriate supervisory person, and then if necessary to Administration for interpretation, review, or research. **However, the City Council has ultimate responsibility for the adoption, formulation, implementation, and revision of City Personnel Policy.**

The City of Basehor, Kansas, is an equal opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national origin, disability, or any other status or condition protected by applicable state and federal laws.

City Administrator

Date

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines, and other provisions for personnel administration in the City of Basehor are established to:

- (a) Promote and increase the efficiency and effectiveness of City services.
- (b) Develop a program of recruitment, advancement, and tenure which will make City service attractive as a career.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to assure a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, sex, disability, religion, age, national origin or ancestry, and political affiliation.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. **All employees are considered to be at-will employees for the purposes of City employment and shall serve at the pleasure of the City Administrator.**

A-2. Application of Policies. These policies and guidelines shall apply to all employees in the service of the City except where superseded by specific provisions of a current memorandum of agreement governing a specific group of employees, and shall continue in effect until amended or repealed. Elected officials and persons serving the City as consultants or on a contractual basis are not covered by these policies. All previously adopted personnel rules and regulations are repealed. **Where the masculine gender is used, it shall be construed to include the feminine gender.**

A-3. Chain of Command. Within each department, there is a chain of command headed by the department head followed by various levels of supervisory and non-supervisory employees. The chain of command is the organizational structure established for the operation and supervision of departments. All communications, orders, requests, and recommendations must be channeled through this chain, in both directions, in order to avoid confusion, misunderstanding, and oversight. Supervisors and administrators at every level cannot carry out their responsibilities and perform effectively without an appreciation for and observation of these processes.

Unless specifically authorized by the City Administrator, no employee shall contact

members of the City Council for the purpose of promoting or opposing department regulations, programs, projects, or other administrative matters. The previous statement does not apply to employees involved in carrying out their assigned responsibilities with appointed boards or commissions which include members of the City Council. Nothing herein is intended to suggest that an employee is prohibited from contacting the Mayor, the City Attorney or addressing the City Council at one of its meetings, to voice opposition if such employee believes their opposition is necessary to make a good faith complaint of unlawful conduct.

- A-4. Departmental Guidelines.** The director of any City department may formulate in writing reasonable guidelines for the conduct of the operations of his department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the City Administrator. Because of the size and varying policies within specific departments, it is impossible to address the appropriate supervisory person in each department or division that handles specific personnel functions. Therefore, when the term "department head" or "supervisor" is referred to, it should be construed as the person you, as a City of Basehor employee, report to on a regular basis, or the person assigned to a particular supervisory duty within your individual department or division.
- A-5. Personnel Records.** Administration shall keep adequate records of all persons employed, their pay scale, time worked, paid-time-off (PTO), accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. An employee's personnel file shall be available during office hours for inspection by that employee or an employee's authorized representative, but must be viewed in the presence of Human Resource staff. Personnel files are also available to the City Administrator or an employee's department head.
- A-6. Change in Personal Information.** Employees experiencing a change in address or personal information needed by the City in order to maintain personnel records in an efficient manner should be reported to Administration as soon as possible. Personal information shall include, but is not limited to, marital and dependent status in order to efficiently administer the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to Article G-11.
- A-7. Employee Privacy.** There should be no expectation of privacy on the part of employees of the City of Basehor relative to their use of City property such as computers, telephones, desks, vehicles, lockers, and items of this nature. Personal property brought onto City grounds or property assigned to employees may be

subject to search, review and/or inspection at any time.

- A-8. Amendment of Policies.** These policies may be amended from time-to-time via resolution, and such amendments will be communicated to all employees.

ARTICLE B. ETHICS

No employee shall seek, receive, or give any gratuity in the form of compensation, entertainment, trips, gifts, favors, or otherwise of significant value from or to those who have or seek business dealings with or receive service from the City of Basehor. It is expressly prohibited for employees, in any way, to use their position or influence for private gain for themselves or others.

ARTICLE C. POSITION CLASSIFICATIONS

- C-1. Objectives and Purpose.** Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each City position, on the basis of the duties, responsibilities, skills, experience, education, and training required of the position, shall be allocated to an appropriate class, which may include either a single position or two or more positions.
- C-2. Job Descriptions.** Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position, and a statement of the qualifications for filling such positions. Such descriptions shall be kept on file in the City Clerk's office and shall be open to inspection by any interested party during regular office hours.
- C-3. Pay Range Plan.** The Governing Body shall adopt a pay plan for each class of positions. The pay ranges assigned to each class of positions shall be periodically reviewed by the Governing Body.
- C-4. Maintenance of the Classification Plan.** It shall be the duty of each department head to report to Administration any and all organization changes which will significantly alter or affect changes in the duties and responsibilities of existing positions or proposed positions. The City Administrator shall approve all new or revised job descriptions and pay ranges for such positions.

ARTICLE D. RECRUITMENT AND PROMOTION

D-1. Definitions.

- (a) *Full-Time Employee* is one employed to work a normal work week of at least 40 hours on a regular and continuing basis. The work week is any consecutive seven day period, except as otherwise provided in Section E-1.
- (b) *Part-Time Employee* is one employed to work less than a normal work week on a regular and continuing basis, or is available upon request or need.
- (c) *Seasonal Employee* is one employed to work on a regular and/or recurring basis during a specific season or portion of a year.
- (d) *Volunteer* is a non-paid individual or one who receives a stipend in the position he holds. When acting as a non-paid volunteer, an individual is not an employee regardless of other City employment.

D-2. Recruitment. It shall be the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, sex, disability, religion, age, national origin or ancestry, political affiliation, or any other status or condition protected by applicable state or federal laws.

D-3. Hiring Practices.

- (a) All job vacancies will be posted on department bulletin boards. Applications for City positions will be accepted in the Administration office. Generally, specific time periods for acceptance of applications will be included on job notices and will be the only time applications will be accepted. For some positions, when in the best interests of the City, exceptions to this policy will be made.
- (b) Where qualifications are judged substantially equal, priority for filling a position will be as follows:
 - (1) Employees with accrued seniority within the department in which the vacancy occurs;
 - (2) Employees with accrued seniority within other City departments;
 - (3) Applicant from outside the City departments.

- (c) If a list of eligible and qualified applicants for a vacant position exists, an appointment to a vacant position may be made from the eligibility list. Under such circumstances, the position will not be posted again.
- (d) When seasonal personnel leave the employment of the City with a satisfactory or higher exit review, they may be eligible for rehire without going through the hiring process the following season.

Each department may follow more specific hiring practices as set out in personalized departmental procedures.

D-4. Qualifications of Employment. All new applicants for any position with the City shall meet the minimum qualifications established for that position unless waived by the City Administrator. Each applicant shall complete a job application form or resume as determined by Administration. A medical examination, physical capacity test, psychological examination, and drug test shall be required only after an offer of employment has been made, provided that such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. Examinations of this nature are conducted in order to assure that the prospective employee can safely administer the job which he has been offered. Employment is contingent upon the applicant passing required tests.

D-5. Probationary Period.

- (a) Each employee selected to fill a position with the City must successfully complete a probationary period. This gives the supervisor an opportunity to observe the candidate in order to determine whether or not the person is capable of handling the responsibilities and duties of the job in a satisfactory manner.
- (b) Each employee **promoted** to a classification with higher pay shall also undergo a probationary period in order to achieve minimal competency in the new position. An employee who fails to satisfactorily complete such probationary period shall be returned to the pay and position he or she held immediately prior to the promotion if this position or a similar position is open and available.
- (c) The duration of the probationary period for both new employees and promoted employees shall be based upon recommendations of the department head and outlined in the applicable job description. The successful completion of a probationary period should not be construed as creating a contract or as guaranteeing employment for any specific duration.

D-6. Promotion.

- (a) ~~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 shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination, psychological examination, or drug testing shall be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing required tests.
- (b) All promoted employees are similar to newly hired employees and will serve the applicable probationary period.
- (c) Promoted employees who cannot evidence satisfactory performance in the new position may be dismissed from employment with the City. In such case, if an employee's previous position or a reasonably comparable position is available, he may return to that position upon approval of the department head and the City Administrator.
- (d) The policy for promotions shall be the same as that outlined in Section D-2 relating to new recruitments.

D-7. Departmental or Divisional Transfers.

- (a) Every employee has the privilege of applying for a transfer when a vacancy in another department or division exists. This does not restrict the City's right to make a non-requested transfer or assignment when deemed in the best interest of the City. Employees transferring from one department or division to another shall be entitled to retain all accrued paid-time-off (PTO) and other such earned fringe benefits.
- (b) Transferred employees are similar to newly hired employees and will serve the applicable probationary period. The transferred employee may be placed above the minimum entry level of the new salary range, depending on the employee's qualifications for the new position, at the recommendation of the department head and with the approval of the City Administrator.

D-8. Employee Demotions.

- (a) A demotion is a downward movement of an employee from one position to another which may be due to inability to satisfactorily perform assigned duties, for disciplinary reasons or during periods when it is necessary to lay

off employees due to lack of work or funds. If an employee requests to be placed in a position at a lower pay grade, this will be considered a transfer.

- (b) When an employee is demoted into a position that he has not previously held, the employee will serve the applicable probationary period beginning from the date of demotion.
- (c) When a demotion takes place due to failure to perform satisfactorily in the position to which an employee was promoted or transferred, he may return to the previously held position or a reasonably comparable position, provided such an opening is available. In such case, the probationary period will be waived.

D-9. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no person shall be employed in a position in any department if that person is a member of the immediate family of another employee within that department. "Immediate family" is defined to include an employee's parents, stepparents, spouse, children, sister or brother, grandparents, grandchildren, mother or father-in-law, and brothers or sisters-in-law and the same family members of the employee's spouse.
- (b) Members of immediate families may be employed within the same department as a seasonal or part-time employee for not to exceed 6 months in any 12 consecutive month period with the exception of volunteers.
- (c) If two employees within the same department are involved in a romantic relationship, marry, or otherwise obtain a relationship whereby they become members of each other's immediate family, the City retains the right to either transfer one of the employees to another department if a vacant position is available for which one of the employees is qualified, or require one of the employees to resign his/her position for the purpose of maintaining the best interests of the City.
- (d) Violations of this policy existing prior to the effective date of this Personnel Manual are exempt from this nepotism policy.
- (e) In the event of a situation or circumstance not contemplated by this policy, requests for variances or exceptions shall be submitted to the City Administrator with appropriate documentation. The City Administrator's decision shall be final.

D-10. Citizenship Verification. The City of Basehor complies with the Federal

Immigration Reform and Control Act, employing only those persons who are legally eligible to work in the United States. All employees hired for any position with the City, shall complete an employment eligibility verification statement (I-9 form) in compliance with the Act.

ARTICLE E. COMPENSATION

E-1. Pay Plan.

- (a) The salary of each employee of the City, except the City Administrator and those salaries 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. Pay ranges shall be determined by the Governing Body, with the advice of the City Administrator. An employee's continued employment at the salary rate within the class assigned to him shall be contingent upon the provisions outlined in Section E-4.
- (b) Employees working on a part-time basis shall receive the hourly wage for the beginning step of the position they are working, or an amount determined and approved by the City Administrator, as approved and included in the budget adopted by the Governing Body.
- (c) The hourly wage for persons employed on a monthly salary basis and working 40 hours per week is computed by taking the monthly wage times 12 divided by 2,080 hours.

E-2. Pay Increases.

- (a) Administration of the City Pay Plan shall be handled as per policy set by the Governing Body. Pay increases received in accordance with the Pay Plan are subject to approval by the City Administrator.
- (b) ~~Annual cost-of-living pay increases~~Pay Plan adjustments may be given made as approved by the Governing Body.

E-3. ~~Longevity.~~

- ~~(a) Annual longevity bonuses may be paid to eligible full-time employees based upon length of service. The bonus shall be calculated annually and shall be based upon an employee's annual base salary for a payroll year.~~
- ~~(b) The portion of the longevity bonus which is based upon an employee's~~

annual base pay for each payroll year will coincide with the time period covered by employees' W-2 Wage and Tax Statements, and will be paid no later than January 15 of the following year. Eligibility for bonuses and percentage increases based upon years of service shall be determined by an employee's anniversary date. The cut-off date for eligibility shall be the last day of the calendar year for any given year.

- (c) Upon termination of employment, the bonus will be paid to the eligible employee calculated in accordance with the FLSA, and based on years of service at the time of termination and the salary earned to the date of termination.
- (d) Longevity bonuses based on length of service shall be paid on the basis of the following percentages:

After 3 years service	2%		After 15 years service	5%
After 5 years service	3%		After 20 years service	6%
After 10 years service	4%			

E-4 Performance Appraisal

- (a) The performance appraisal process provides the basis for determining employment status. Appraisals are considered in determining promotions, used as a factor in determining the order of layoffs, and as a means of identifying employees who should be transferred, rehired, or who, because of their poor performance, should be demoted or dismissed, and for any other purpose related to job performance.
- (b) Supervisors are required to complete monthly performance appraisals on all probationary employees. Probationary monthly appraisals are due in the Administration office every 30-days throughout the probationary period. Thereafter, performance appraisals shall be submitted to Administration as follows:
 - (1) at the end of an employee's probationary period;
 - (2) annually, corresponding with the employee's anniversary date; or
 - (3) after 3 months if an employee has received a poor performance rating.
- (c) Direct supervisors are responsible for completing employee performance appraisals. The performance appraisal shall be reviewed by additional departmental and/or divisional supervisors, if appropriate, based upon the size of the department/division. The department head must approve all

performance appraisals prior to submitting them to Administration for processing.

- (d) Performance appraisals shall be conducted on forms and in a manner approved by the City Administrator. Supervisors shall meet with their employees to discuss their performance appraisal, and employees will be required to sign the document prior to submitting it to Administration.
- (e) If an employee's performance appraisal becomes due during a time period that the employee has been placed on a probationary status, his evaluation will be postponed until the probationary status has expired.
- (f) If an employee has been on a leave of absence and it is difficult for the department head and the employee's supervisors to make a determination as to the employee's quality of work performance, the department head can extend the employee's evaluation period until such determination can be made.

E-5. Pay on Termination.

- (a) An employee terminating employment with the City will receive a final paycheck on the first regularly scheduled pay day following his termination.
- (b) If an employee is discharged ~~for cause~~involuntarily, or voluntarily terminates without giving a minimum of two weeks notice, the employee will **not** be eligible to receive pay for any accrued paid-time-off (PTO) benefits. In the event of death, the employee or the employee's heirs shall be paid for any benefit hours due in accordance with other policies outlined in this Manual. Any pay for benefit hours due the terminated employee will be based on the employee's current salary at the time of termination. At the discretion of the City Administrator up to 40 hours of additional Paid Time Off may be reimbursed to an employee that provides a notice longer than two weeks.

E-6. Overtime Work.

- (a) Compensation for authorized overtime work shall be at the rate of 1½ times the employee's regular rate of pay.
- (b) Employees are not allowed to trade time worked for compensatory time.
- (c) Holidays and paid-time-off (PTO) shall be considered as "time worked" for the purpose of computing overtime.

- (d) *Exempt employees* are not required to be paid overtime in accordance with the Federal Fair Labor Standards Act (FLSA). Executives, professional employees, and certain employees in administrative positions are considered exempt employees.
- (e) *Non-exempt employees*, in accordance with the Federal Fair Labor Standards Act (FLSA), shall be eligible to receive overtime compensation for all hours worked in excess of 40 hours in one week.
- (f) All overtime work must have prior authorization by the employee's supervisor. The supervisor shall maintain records of any overtime worked.

E-7. Pay Periods; Paydays.

- (a) Payroll periods will commence at midnight on Saturday and end two weeks later at midnight. City employees are paid every 2 weeks. During the course of the year, employees will receive at least 26 paychecks. The time period covered by the 26 paychecks will consist of an employee's "payroll year" and will coincide with the benefit calendar applicable to all full-time City employees.
- (b) Paychecks will be issued every other week, usually on Friday. If the schedule for processing timecards and issuing checks must be altered, department heads will be notified at the earliest possible time so employees can make necessary arrangements.
- (c) By completing the proper paperwork, employees can have their paychecks direct deposited into the financial institution of their choice.

E-8. Work Assignment in Higher Classification. During routine operations, when an employee is specifically assigned by the department director to fulfill the duties and responsibilities of a higher job classification for a period of more than fourteen (14) consecutive days, the employee shall be compensated by calculating the difference between his current range and the range in which he is serving. The employee's current pay will then be increased by that percentage difference to derive the new rate of pay. The pay increase shall be retroactive after the employee has served fourteen (14) days in the higher classification. This additional compensation shall remain in effect until such time as the additional duties are reassigned to another employee, whereupon the employee will revert back to their original pay.

ARTICLE F. ATTENDANCE AND LEAVE

F-1. Hours of Work

- (a) Employees shall work a schedule to be assigned by the department head.
- (b) No employee shall be permitted to work in excess of their normal work week except when so directed by the employee's supervisor.

F-2. Rest Breaks and Lunch Breaks.

- (a) Other than rest breaks required for mothers who are breast feeding, rest breaks are not required in accordance with the Fair Labor Standards Act (FLSA). They are a privilege which should be arranged so as not to interfere with City business. Employees may receive a 15 minute rest break for each four (4) hours of work. The time and place of rest breaks may be determined by the department head.
- (b) Those employees working eight (8) hour shifts or longer with paid lunch hours shall receive 20 minutes for lunch. Lunches shall be taken on the job site or at a site determined by the department head.

F-3. Holidays.

- (a) The following days shall be paid holidays for City employees:
 - New Year's Day, January 1
 - President's Day third Monday in February
 - Memorial Day, last Monday in May
 - Independence Day, July 4
 - Labor Day, first Monday in September
 - Veterans' Day, November 11
 - Thanksgiving Day, 4th Thursday in November
 - Friday following Thanksgiving Day
 - Christmas Eve, December 24th
 - Christmas Day, December 25th
 - Any day designated by the City Administrator as a celebrated holiday
- (b) Holiday Observance. Determination of a holiday for shift personnel shall be based on the actual date of the holiday. For employees who normally work Monday-Friday schedules, observance of holidays shall be determined by

the City Administrator.

- (c) Holiday Pay. An employee who works on any City recognized holiday shall receive his regular pay plus 1½ time holiday pay for the hours worked, but not to exceed the amount of hours of his normal work schedule. Any time worked over and above the normal work schedule will be compensated at 1½ rate.
- (d) Holiday Call-back. An employee called back to duty on a holiday shall be compensated at 1½ rate and shall receive a minimum of 1 hour of pay.
- (e) Off-duty Shift Workers. Shift workers such as police officers and plant operators, whose regular scheduled day off falls on any City recognized holiday shall receive, in addition to his day off, regular pay as holiday compensation equal to the amount of hours the employee would regularly be scheduled for work.
- (e) Part-time or Seasonal. Part-time and/or seasonal personnel will not be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. If part-time or seasonal personnel do work on a City observed holiday, they will be compensated at their regular hourly wage unless they have worked over 40 hours that week at which time they will be compensated at 1½ time rate.

F-4. Paid-time-off (PTO). In recognition of the varying work schedules of City employees and each employee's diverse need for time away from work, the City provides a general leave policy of paid-time-off (PTO). PTO shall be accrued by full-time employees to use for vacations, illness, on or off the job injuries, medical/dental appointments, personal business, child care problems, pregnancies, for care of immediate family members, funerals, or for any other valid absence as determined by the employee's supervisor.

- (a) PTO Accrual Rate and Process. City of Basehor employees shall accrue the following amount of PTO on a biweekly basis:

Months of Service	Accrual Hours Per Payroll	Annual Amount of Accrual Hours	Annual Amount of Accrual Days
0 - 47	5.6	145.6	18
48 - 107	6.5	169	21
108 - 167	7.5	195	24
168 - 227	8.7	226.2	28
228 +	9.7	252.2	31

PTO accrual shall increase to the next level with the beginning of the payroll period in which the employee's anniversary date (the date he started working for the City of Basehor most recently) falls, and the

employee meets the appropriate months of service in accordance with the above schedule.

(b) PTO Accrual During Absence

Employees will no longer accrue PTO after two weeks of absence from the job, or any time during which Short Term Disability or Worker's Compensation is being paid to the employee (see Sections F-6 and F-7).

(c) Eligibility for PTO

Employees shall accrue PTO hours immediately upon employment, however, an employee may not use these hours until after three full months of employment, and as approved by their supervisor.

In the event that an employee must be off the job but is not eligible for or does not have a sufficient amount of PTO time available, he may submit a leave request for leave without pay. The approval or non-approval of such request will be determined by the employee's supervisor and the City Administrator.

(d) Maximum Accumulation of Paid Time Off

All employees shall have a maximum amount of PTO accrual equal to the number of hours they accrue during the calendar year. Employees who exceed the accrual maximum shall not be credited with further PTO accrual until their accruals are reduced below the maximum accrual level. A waiver of the maximum accumulation rule may be granted under special circumstances with the permission of the City Administrator.

(e) Computing Scheduled or Unscheduled General Leave

Any absence for a fraction or part of a day shall be charged in increments of not less than one hour.

(f) Scheduling of PTO

PTO shall be distinguished between scheduled and unscheduled time off.

(1) Scheduled PTO:

- a. The scheduling of time off shall be at the discretion of the supervisor based upon operational considerations. Every effort will be made to accommodate the employee's requested dates for PTO.
- b. Scheduled leave should be submitted to the supervisor no later than three (3) days in advance of the requested leave unless otherwise directed by the employee's supervisor. The supervisor shall have the option of denying or rescheduling the leave to another date and/or time based upon operational or business considerations.

- c. Scheduled PTO must have the prior approval of the employee's supervisor.

(2) Unscheduled PTO:

In the event the employee is unable to work due to unforeseen personal illness or injury, or for other unforeseen reasons, the following provisions shall apply:

- a. If an employee is unable to report to work for any reason, he shall communicate this fact to his supervisor in accordance with his departmental rules and regulations. Such notification shall be made each time a scheduled work shift shall be missed unless authorization has been granted by the supervisor covering a prolonged absence of specified duration. Unless an employee can show good cause, failing to comply with this provision shall be considered an unscheduled absence without pay. Absences not reported in accordance with these provisions shall be subject to disciplinary action.
- b. The employee may be required to furnish medical verification or other proof that unscheduled use of PTO was unavoidable to his supervisor.
- c. The unscheduled use of PTO which is considered to be excessive by the supervisor shall be investigated and the employee may be subject to disciplinary action. Supervisory personnel will document the reasons for initiating an investigation and the conclusion of their investigation.
- d. The unscheduled use of PTO on seven (7) or more occasions within a 12 month period shall affect an employee's ability to receive a pay increase. Circumstances related to the use of unscheduled PTO will be evaluated by the supervisor. If just cause can be shown and presented to the City Administrator, a pay increase will be considered. All consecutive work day absences due to the same illness shall be considered as one occasion for the purpose of this policy.

F-5. Paid-time-off (PTO) Bank. City employees can voluntarily contribute unused PTO to assist fellow employees in the event of a qualifying illness or injury of the employee or the employee's immediate family. The Bank is to be used by employees who have exhausted all PTO benefits, and (1) have personally suffered an illness or injury that completely incapacitates them from performing

any type of work; or (2) they have an immediate family member who has suffered a disabling illness or injury and needs their assistance.

(a) PTO Committee. The City of Basehor Department Heads serve as the PTO Bank Committee and will administer the PTO Bank.

(b) Establishing and Maintaining the Bank.

- (1) As the need arises, employees may voluntarily contribute PTO hours to a specific employee who has a personal illness or injury, or has an immediate family member with an illness or injury, that meets the criteria established by this policy.
- (2) If an employee's application for PTO Bank hours is approved by the PTO Committee and the City Administrator, and the Bank is empty, PTO hours will be solicited from fellow employees by Administration via email and/or memorandum. Confidentiality will be maintained insofar as possible.
- (3) Donations will be directly subtracted from the donator's PTO balance. Donators will have to complete a form indicating the amount of time they wish to contribute. Employee donations will be made on a totally voluntary basis.
- (4) If more PTO hours are donated to a fellow employee than are necessary, the excess hours will be placed in the PTO Bank for future use.
- (5) Because of the ability to apply for short term disability insurance after two weeks off work, employees will be eligible for a maximum of two weeks of time from the PTO bank for their own illness or injury. If the application is for the disabling illness or injury of an immediate family member, an employee may apply for a maximum of four weeks of time from the Bank. Employees can reapply for additional donations.

(c) Procedures for the PTO Committee.

- (1) Administration will serve as the resource member of the PTO Committee. All requests for donations for PTO time should be submitted to Administration who will schedule a meeting and pass the requests on to the PTO Bank Committee.
- (2) The PTO Committee shall keep all requests and supporting documentation strictly confidential, and any breach of confidentiality

will be means for the City Administrator to dismiss an individual from the Committee immediately.

- (3) It will be the Committee's responsibility to determine whether the applicant merits PTO assistance, and therefore the Committee will have the right to review the applicant's leave history, and request any other pertinent information to assist them in making a decision regarding the request.
- (4) The Committee will review each application and make their decision on a majority vote. Individual committee members may abstain from being involved in specific cases based on the time element or for personal reasons.
- (5) Administration will relay all Committee decisions to the City Administrator. The City Administrator retains the right to override any decision made by the Committee. If the City Administrator feels the need to override a decision, he will then meet with the Committee and outline the reasons for his decision.
- (6) If the application for PTO time is approved, but there are no hours available in the Bank, the Administration Coordinator will solicit PTO hours from current employees via email and/or memorandum. Details of the employee request will be included in the solicitation. The name of the applicant will not be revealed unless permission is received to do so.
- (7) Administration will notify the applicant of the final decision, and if approved, will have the applicant's PTO account credited with the appropriate amount of donation granted. If possible, the applicant shall prepare and submit the appropriate leave requests.

(d) Procedures for employee requests from the Bank.

- (1) Applications must be made on the appropriate form which can be obtained from Administration, or from the "Forms Section" of the City of Basehor Personnel Manual.
- (2) Applications should be completed by the employee or by a designated representative of the employee.
- (3) The applicant must be a full-time employee of the City of Basehor, and be employed by the City for at least six months.
- (4) The applicant must have exhausted all personal PTO hours prior to receiving hours from the Bank.

- (5) A doctor's statement must accompany all applications stating the nature of the illness or injury that has caused the absence from work. Applications for PTO Bank time due to the illness/injury of an immediate family member, shall be accompanied by verification from a doctor as to the diagnosis and required treatment of the family member.
 - (6) If an employee leaves the City's employment after PTO hours have been donated to him, or returns to work on a full-time basis, the unused donated PTO time will revert to the Bank.
 - (7) Once notice of termination of employment has been given, either by an employee or by the City of Basehor, requests for donated PTO time will be refused.
- (e) The City will continue to pay health insurance premiums at the same rate for those employees receiving donated PTO time. Employees will discontinue accruing PTO benefits after two weeks of absence from the job.

F-6. Worker's Compensation. An employee who is injured on the job but absent from work less than two weeks and does not receive Worker's Compensation benefits shall either use accrued PTO and receive his regular wages, or take time off without pay. If the injured employee uses accrued PTO, is off work longer than two weeks and Worker's Compensation benefits are received retroactively:

- (a) the employee shall reimburse the City for the amount of insurance benefits received for the first two-week period; or
- (b) if the employee chooses to return his wages received during the first two weeks of injury, the City will credit him for any PTO hours used.

At no time shall an employee use PTO and receive Worker's Compensation benefits simultaneously. An employee that is injured on the job and is eligible for Worker's Compensation benefits will not be eligible to collect Short Term Disability benefits.

If the injured employee is on the City's Health Insurance Program at the time of the injury, the City will continue to provide the injured employee's health care coverage under the same provisions as prior to the leave for up to, but not exceeding 90 days.

F-7. Short Term Disability Leave. The short term disability (STD) plan for the City of Basehor is designed to protect employees against lost wages due to a disability. The employee will receive benefits as specified under the plan when qualifying for STD under the provisions outlined by the insurance policy.

- (a) STD coverage for new full-time employees will take affect on the first of the month following a 90-day waiting period.
- (b) The City of Basehor or their agent/administrator of the STD plan reserves the right to request a second opinion at the employer's expense, or to investigate a claim as they see fit at any time.
- (c) Employees that anticipate they will be off work for more than two weeks due to a non-work related injury, illness or pregnancy, should contact the office of Administration as soon as feasibly possible in order to process the necessary paperwork. Failure to do so may cause the employee to be off work for a period of time without pay due to the processing time required by the insurance company.
- (d) All claims must be supported by sufficient documentation from a medical consultant, identifying the nature of the injury or illness, the short and long term prognosis, and the anticipated length of time the employee will be required to be off work. The City or their agent/administrator of the STD plan reserves the right to request additional information from the employee and his medical consultant if it is necessary to make a determination relative to the claim.
- (e) If a claim for STD is approved, the insurance company will pay 66 2/3% of an employee's salary.
- (f) In accordance with federal law, the insurance company is required to deduct FICA and Medicare taxes in the amount of 7.65% from all issued disability checks.

F-8. 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 and 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. Individuals shall not be discriminated against with regard to hiring, promotions and retention on the basis of present and future membership in the armed forces.

- (a) An employee enlisting or being called to active duty as a reservist or as a member of the National Guard shall be reemployed upon return from the military service in the job that he would have attained had he not been absent for military service and with the same seniority, status and pay. The

employer must make reasonable accommodations for any employees returning from military duty who are disabled due to military service.

- (b) There is no differentiation between voluntary and involuntary military service.
- (c) A federal law known as "USERRA" provides that an employee may elect to continue employer-provided health insurance for a period up to 18 months of the employee's military service at the employee's expense. Upon return to employment from military service, the employee is entitled to immediate reinstatement of health insurance.
- (d) To qualify for reemployment rights following military service, employees must have given the employer notice that they were leaving to perform military service; the cumulative period of service must not have exceeded five years; employees must have been released from service under honorable or general conditions; and employees must have reported back to work or applied for reemployment within time constraints prescribed by law and addressed in (e) below.
- (e) For periods of military service up to 30 days, an employee must report back to work at the next regularly scheduled shift on the day following release from the military. Following a period of service of 31-180 days, employees must apply for reemployment within 14 days following release. Following a period of service of 181 days or more, an employee must apply for reemployment within 90 days after release. Failure to return to work or apply for reemployment within the specified time limits through the employee's own fault makes that person subject to the employer's rules concerning unauthorized absence from work.
- (f) Upon restoration to City service, all unused PTO credits accumulated prior to the military leave shall be restored unless the employee had been paid for unused PTO at the time of the induction or enlistment.
- (g) Although an employee does not accrue benefits while on military leave, the time spent in active duty is considered service and counted toward seniority for retirement vesting and benefit accrual purposes upon his return.

F-9. Civil Leave.

- (a) Employees who are required to report for jury duty are to notify their supervisor as soon as possible. The supervisor is to modify the employee's work schedule as required for the employee to properly serve on jury duty. Time spent on jury duty is counted as leave with pay, and is not to be used to qualify for overtime pay.

- (b) Employees who are required to serve as a witness or advisor to the court as part of their duties of employment with the City are to immediately notify their supervisor. The supervisor shall modify the employee's work schedule as needed for these duties. Time spent as a witness or advisor to the court on behalf of the City shall count as hours worked.
- (c) Employees who are required to appear in court or for other legal proceedings not related to their City employment are to use PTO or leave without pay as needed to meet this legal requirement.
- (d) Employees who receive fees for jury duty, or for serving as a witness or advisor services related to their duties with the City, are required to turn these payments over to the City.

F-10. Family Medical Leave. Because the City of Basehor does not currently employ 50 or more employees, employees are not eligible for leave pursuant to the Family Medical Leave Act.

F-11. Travel Leave.

- (a) Authorization. Travel authorization for out-of-town trips must be approved by the City Administrator's Office and the department and/or division head prior to the commencement of a trip. An exception is made in the case of emergency vehicles leaving the City for purposes of an emergency response. Out-of-town trips shall be trips outside a 75 mile radius (travel area) of Basehor for City business purposes. In the event of routine departmental operations such as transporting prisoners by the Police Department, or picking up parts by the Public Works Department, or in the event of any non-scheduled trip necessitated by department heads, no prior approval will be needed. This is on the condition that a city vehicle is used and no additional expenses are incurred by the employee.
- (b) Travel Request and Expense Statement. No expense voucher for out-of-town travel will be paid by the Finance Department without proper travel authorization. Furthermore, failure to receive the authorization may lead to disciplinary action against any employee, including a department and/or division head.

The purposes for the Travel Request and Expense Statement are as follows:

- (1) Documentation of permission granted to have the City vehicle outside of the travel area.

- (2) Documentation of City employees attending to City business outside of the travel area.
 - (3) Review of the business purpose for City employees outside of the travel area.
 - (4) An advance notice of availability of funds for a particular line item in the budget to ascertain whether budgeted funds are available for employees to travel outside the travel area.
- (c) In the case of travel requests where no reimbursement is requested, the Travel Request portion of the statement may be submitted to the City Administrator's office after the approval of the department head. In all other cases, the completed statement must be submitted through the Finance Department for review of the budget expenditure(s). This is done so that prior to the City Administrator's authorization, it can be ascertained that sufficient budget resources exist for employees to travel outside of the travel area for their particular purpose and that there has not been a mistake made by the division or department head, or the employee, in preparing the travel statement.
- (d) In the event an employee travels in-state or out-of-state on a scheduled airline; travel must be the most economical available. In no event will the City pay for first class travel unless no other method of transportation is available and prior approval from the City Administrator is received.
- (e) Officers and employees should reasonably limit the payment of or reimbursements for actual and necessary expenditures for travel and subsistence for attendance at duly authorized conventions, seminars and programs at which the officer or employee is scheduled to attend or participate. All means of travel and accommodations shall be at the lowest reasonable and appropriate class or rate available under the circumstances. If equivalent local or in-state programs are available, such programs shall be utilized. The expenditure of public money for alcoholic beverages shall be prohibited.
- (f) If an attendee arrives more than one day prior to any meeting or conference, or extends an out-of-town stay for personal reasons, the expenses associated with such extra time are considered personal and are not reimbursable by the City. Extending an out-of-town stay for more than one day prior to or after a meeting or conference is permitted if lower airfare can be obtained with the extension, but approval from the department head and City Administrator must be obtained prior to finalizing such arrangements. The only exceptions to an out-of-town stay being extended are in the case of illness, acts of nature, accident, or injury to the employee, which would preclude the employee's immediate return

to the City. In any event, the City should be notified of such an occurrence.

- (g) Use of City Vehicles. The City provides vehicles to certain employees to perform their daily functions, and these vehicles will be used for travel when necessary. If a City vehicle is not available, the City Administrator may authorize the use of a personal vehicle by the employee, in which case the City will reimburse the employee at the IRS approved mileage rate to the meeting site and back using the shortest route possible.
- (h) Any employee utilizing their personal car will maintain appropriate liability insurance. Employees in the executive management (exempt) classification may elect to utilize their own vehicles with prior approval of their department head and the City Administrator.
- (i) If an employee is required to attend an out-of-town meeting or conference, all the time spent traveling is counted as "hours worked". Traveling to and from the work site and regular meal period times are not counted as "hours worked". Department heads and supervisors may use flexible time schedules throughout the week in which an employee travels in order to eliminate the need to pay overtime.
- (j) City vehicles are to be used for City business purposes for travel outside the City. Passengers in City vehicles should include only the following, unless prior written approval from the City Administrator is received under special circumstances:
 - (1) City Employees.
 - (2) City Board Members.
 - (3) Participants in City programs (i.e., City sponsored committees, etc.)
 - (4) Personnel from other governmental agencies who may be attending the same meeting.
- (k) In the event the City employee is utilizing a City vehicle and has a breakdown, and the cost of repairing that breakdown is minimal (such as repairing a fan belt or flat tire, etc.), the employee will be reimbursed upon presenting a receipt for the repair. In the event of a major breakdown of a City vehicle, the employee should contact the Director of Public Works who will make arrangements for the repair or replacement of that vehicle for the employee. The Director of Public Works will contact and coordinate with the employee's department head appropriate travel arrangements so that the employee may return or continue the trip.

- (l) Employees utilizing City vehicles or their own vehicle are reminded that deviating from normally traveled routes to and from the meeting site and after arriving at the meeting site may result in the employee not being covered in the areas of Workers' Compensation and other insurance. Employees are further reminded of the City's personnel policy regarding the use of drugs and alcohol which could result in the employee's dismissal.
- (m) All traffic offenses, parking tickets, or other vehicular violations are the responsibility of the employee and will not be paid by the City. Furthermore, such offenses could subject the employee to disciplinary action. Employees are expected to use discretion in the use of City-owned vehicles on out-of-city travel.
- (n) Reimbursement. The City will pay registration fees for employees to attend authorized training programs, professional conferences, and other city-related meetings and functions. The employee will be responsible for the registration or related fees for any spouse or guest programs associated with a conference for which they wish to participate.

The City will reimburse employees for travel expenses incurred while on City business. **Receipts with detail on the purchase/service are required for reimbursement in all cases.** In an instance where an employee has made an expenditure and has not received a receipt for his expenditure, exceptions to this rule will be considered by the City Administrator's Office upon recommendations of the department head approving the travel voucher. This will be done rarely, and only in the case of approval of the department head upon presentation by the employee of satisfactory written explanation of the request for reimbursement without a receipt.

Any dispute regarding an employee's reimbursement for travel expenses may be discussed with the City Administrator. The City Administrator's decision shall be final and not subject to appeal.

- (o) Any situation where a City employee may travel to a conference or meeting, whether in-state or out-of-state, with their spouse and/or family member, the City will not pay for travel, meals, or incidental expenses for the employee's spouse and/or family member. In the case of lodging, the employee will be required to pay the verification/documentation of the difference of rates. Exceptions will be granted for extraordinary circumstances such as when an employee may be receiving an award, but only upon prior approval from the City Administrator's Office.
- (p) On in-state or out-of-state travel, the City will reimburse a reasonable amount for lodging. When an employee must be booked into specific

lodging area for a conference or meeting the group rate will be acceptable. Again, this is with prior approval from the City Administrator's Office. All employees should ascertain whether or not government discounts are available and whether or not the hotel or motel involved will direct-bill the City with presentation of a Tax Exemption Certificate. A Tax Exemption Certificate should be obtained from the Finance Director prior to any approved travel out-of-town.

- (q) Whenever possible, the City will request that the hotel/motel bill be charged to an assigned City credit card or direct billed to the City. If neither of the above options are available, the employee will be reimbursed for authorized lodging expenses upon presentation of the required receipts. If necessary, credit cards can be checked out from the Finance Department and may be used to assist with paying authorized travel expenses. Department heads shall be responsible for authorizing credit card usage by employees in their department.

Any employee using a credit card will be personally responsible for any purchases that do not have receipts attached to the credit card statement. Only City-related expenses may be charged on a credit card. Reimbursements to the City for personal expenses or expenses of the spouse will not be allowed. Personal phone calls or other non-covered charges on motel bills should be paid by the employee at check-out time.

- (r) The City employee, in the course of conducting City business or while attending a City approved business meeting will be allowed the following meal expense allowances which include tax and tip allocations:

	<u>MEAL ALLOWANCE</u>
Breakfast	\$10.00
Lunch	\$20.00
Dinner	<u>\$30.00</u>
Total	\$60.00

Employees will not be reimbursed for meal expenses that have been included as part of conference or meeting registration fees. These meal expenses must be identified on the *Travel Request and Reimbursement* form with attached copies of registration materials identifying meal(s) scheduled and applicable payment for these meal(s). The maximum meal allowance can be exceeded for reasonable meal expenses integral to conferences and banquets. The City will not be responsible for snacks or beverages not associated with meals.

An employee that departs Basehor two hours prior to a regularly scheduled shift is allowed up to \$10.00 for breakfast. If the employee

arrives back in Basehor two hours after the end of the scheduled shift, \$30.00 is allowed for dinner with proper receipt and verification. In some unusual or unique instances, department heads shall be responsible for making determination on breakfast or dinner. When a meal is included in a registration fee or transportation cost or provided as an official function, the above amounts will be deducted from the meal allowance. Therefore, if a continental breakfast is provided at the seminar, no allowance for breakfast will be allowed.

A 15% tip is allowed in addition to the cost of the meal but included in the meal allowance limit. If the employee chooses to leave a larger tip, the difference will be at the employee's expense. If no tip is granted, tip allowance is not reimbursable. While not always feasible, it is preferable (such as when a credit card is used) to include documentation of the tip.

If a City employee, acting with discretion and in the interest of City business, purchases a meal for any member of the public, a receipt is also required. Adequate documentation listing the purpose and participants of the setting of the expense should be submitted with the receipt. If such an expense should occur, the amount expended for the guest will not be considered as part of the meal allowance for the employee.

Foregoing a meal does not allow the employee to accumulate eligible meal allowances. For example: if an employee is eligible for breakfast and lunch (\$30.00) but elects not to eat breakfast (\$10.00) the eligible lunch allowance will be (\$20.00).

- (s) The City will not, under any circumstances, pay for or reimburse employees for the purchase of alcoholic beverages or allow alcohol to be purchased with a City credit card.
- (t) Vehicle rental, parking fees, taxi charges, bus or shuttle fares, turnpike expenses, and other similar items will be reimbursed when accompanied by a receipt.
- (u) The City will not be responsible for personal expenses such as personal phone calls, beer/alcoholic beverages, snacks, beverages not associated with meals, laundry services, or in-room movies that are either charged to the room or otherwise incurred.
- (v) All employees traveling on City business should be reminded that they are representing the citizens of Basehor, their departments or divisions, and the City of Basehor as a whole. They should conduct themselves in an appropriate and professional manner at all times so as not to bring discredit upon themselves, their departments or divisions, or the City of

Basehor.

F-12. Educational Tuition/Fees Reimbursement and Leave.

- (a) Any employee wishing to attend college or technical school to enhance overall knowledge, skills, and job performance, and at the same time increase the individual's value to the City as an employee, may submit a written request to his department head for the reimbursement of tuition. The request must be submitted prior to enrolling in the class, include the name of the class, the cost, and verification as to how it will enhance the employee's job performance with the City of Basehor.

If approved by the department head and the City Administrator, the employee will be reimbursed the cost of tuition or enrollment fee upon proof of successful completion of the class, obtaining a "B" grade or better in college course work, or a certificate designating the successful completion of all requirements set forth by the Technical School, and continued satisfactory employment for a 12 month period following completion of the course.

- (b) Employees receiving approval to attend a college or on-going class during work hours will be required to make up any lost work time. Arrangements to do so must be coordinated through the employee's immediate supervisor and approved by the department head and City Administrator.

F-13. Leave of Absence. The City Administrator may, using discretion, grant a leave of absence without pay to an employee for any good cause when it is in the best interest of the City. The City Administrator may grant an employee leave without pay for a specified time not to exceed 6 months. During this leave without pay, the employee may elect to continue health insurance coverage with full premiums paid by the employee. A leave of absence without pay shall not be allowed for any employee to work for another employer, or for self-employment.

Leave of absence shall be subject to the following provisions:

- (a) A request for leave of absence shall be submitted in writing to the City Administrator stating the reasons for the request at least 15 working days prior to the date the leave would begin.
- (b) At the expiration of leave without pay, the employee shall return to the position held prior to the leave.
- (c) PTO shall not be earned during leave without pay.

- (d) A leave without pay shall not constitute a break in service, but time off will not be credited toward longevity pay, service awards, or any benefit based on time in position.
- (e) Failure by an employee to report promptly at the expiration of the leave of absence shall be considered as a resignation by the employee.

F-14. Compensatory Time. Employees will not be allowed to earn compensatory time but shall be paid overtime in accordance with the Fair Labor Standards Act (FLSA).

F-15. Request for Leave. All leave time must be authorized in advance and in writing by the employee's supervisor **prior** to being taken when possible. Written requests for leave that cannot be predicted in advance must be completed upon the employee's return to work. A copy of each written leave record, signed by the employee and supervisor, shall be forwarded to the Administration office and filed in the employee's personnel file for a reasonable amount of time.

ARTICLE G. OTHER EMPLOYEE BENEFITS

G-1. Social Security Benefits. All eligible employees of the City are under the Federal Social Security System, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution subject to payroll deduction.

G-2. Employer Provided Deferred Compensation Benefits. All eligible employees, with the exception of sworn police officers, are covered under the city's deferred compensation program (401-A). Under this plan, the employer's contribution is equal to the City contribution for sworn officers in the KP&F Retirement System and may vary from year to year. The City will begin depositing funds into the 401-A plan for the employee beginning with their first paycheck. Any employee that began service with the City after the adoption of this policy will not be vested in the program until their third anniversary with the City. The cost of this benefit is paid entirely by the employer.

G-3. KP&F Benefits. The City of Basehor elected to become a member of the Kansas Police and Fire Retirement System. All eligible employees receive the benefits thereof in accordance with state laws and guidelines. The employee and employer's share is determined by the State Legislature. All employees who are contributing members of KP&F are eligible for the insured death and disability benefits provided by KPERS which is supplemental to the regular KP&F benefits. The cost of this benefit is paid entirely by the employer.

- G-4. Retirement Age.** The City of Basehor shall abide by the Federal Age Discrimination in Employment Act and therefore has no mandatory retirement age.
- G-5. Workers' Compensation Benefits.** All employees of the City receive the benefits of the Kansas Workers' Compensation Act in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.
- G-6. Unemployment Compensation.** All employees receive the benefits of the Kansas Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.
- G-7. Life Insurance.** In addition to the death benefits provided under Social Security and KPERS, the City makes available to each employee who is a member of KP&F, the option of purchasing group life insurance, administered by KPERS, on a payroll deduction basis. Employees not covered by KP&F may purchase optional group life insurance in the City's other group life plan on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.
- G-8. Voluntary Deferred Compensation.** All City employees may participate in the voluntary deferred compensation plans offered by the City. The amount of investment in these programs is determined by the employee, but cannot exceed limits set by federal law. Contributions are made through a payroll deduction basis. The amounts selected are invested for the employee and are not subject to federal income tax until withdrawn.
- G-9. Optional Insurance Programs.** All full-time employees may apply and participate in several optional insurance programs offered by the City through payroll deduction. The coverage and premiums available vary based on the type of insurance and package selected.
- G-10. Flexible Benefit Plan.** The City of Basehor provides the use of a Flexible Benefit Plan, better known as a "Cafeteria Benefit Plan" under Section 125 of the Internal Revenue Code for its employees. The Cafeteria Benefit Plan allows employees to designate a specified amount of their salary to pay certain expenses such as dependent care, medical expenses, health insurance premiums and the premiums for various optional group insurance programs. Funds designated to the Cafeteria Benefit Plan for medical expenses and dependent care must be used in a calendar

year or they are forfeited. This program allows employees to pay the above specified expenses with tax-free salary dollars.

G-11. Health Care Program.

- (a) Full-time employees shall be eligible for the City's group health care insurance program on the first of the month following a waiting period of 3 full months which commences with the initial date of employment.
- (b) The Governing Body shall determine, on an annual basis, the amount of the City's financial participation in the group health care insurance plan.
- (c) Currently the City contributes one-hundred percent (100%) of the employee's health care insurance premium and fifty percent (50%) of qualified dependent\spouse health care insurance premiums. Permanent part-time employees working 20 or more hours per week shall be eligible to purchase health care insurance at the rate of one-hundred percent (100%) out-of-pocket expense.
- (d) If individual employees are required to contribute to the City's group health care program, the amount of such contribution shall be a payroll deduction and administered through the Flexible Benefit Plan if legally feasible.
- (e) All costs of health care insurance shall be paid by the employee during any period the employee: is on a leave without pay; is on suspension without pay; is on unauthorized leave; or is participating in any unlawful work stoppage.
- (f) Refer to sections F-6, Worker's Compensation, regarding specific policies for injured and disabled employees regarding health care insurance coverage.
- (g) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (h) Employees and their dependents that lose group health benefits with the City of Basehor due to a qualifying event as outlined by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), are eligible for continued health insurance coverage for a period of time as established by the Act.
- (i) Any KP&F employee who has at least ten years of service with the City of Basehor and retires from employment with the City shall be able to remain on the City's Health Insurance Program until he: (a) reaches the age of 65;

or (b) fails to pay the monthly premium payments. The retiree may elect to have the same members of his family covered as he did during employment with the City. The retiree's monthly premium will be based on the COBRA rate which is established prior to each contract year with the assistance of the Plan Administrator. Coverage for the retiree and his family members (if covered under the plan), will be identical to the coverage experienced by active City employees. When a retired employee terminates his health insurance coverage with the City of Basehor, any covered dependents will have the option to continue coverage, if eligible, under COBRA.

ARTICLE H. DISCIPLINE

- H-1. Authority to Discipline.** Supervisory personnel, with the approval of the City Administrator, are responsible for the conduct and effective performance of all employees under their supervision, and shall have the authority and the responsibility to discipline employees for violations of the City's personnel policies and any departmental guidelines.
- H-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 Basehor 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 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 his job, it may be necessary for his department head or supervisor 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.

H-3. Disciplinary Actions. The following disciplinary actions are discretionary and not exclusive of the at-will nature of the employment relationship.

- (a) First written reprimand. A written reprimand is a written censure to an employee by his supervisor, a copy of which shall be placed in the employee's file in the Administration office. A copy shall be distributed to the employee, and the employee is asked to verify the reprimand by signature.
- (b) Second Written reprimand. A written reprimand is a written censure to an employee by his supervisor, a copy of which shall be placed in the employee's file in the Administration office. A copy shall be distributed to the employee, and the employee is asked to verify the reprimand by signature.
- (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 on-the-job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions (this does not refer to the initial orientation served by new employees).
- (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) Suspension for Violation of Law. Any employee who is required to maintain a valid Kansas Driver's License and is arrested for a violation of law (in any jurisdiction, at any time), including traffic violations which cover reckless driving, vehicular homicide, or driving under the influence of intoxicating liquor or drugs, shall notify his supervisor of the arrest before reporting to work for his next scheduled shift or any extra duty work. Failure to do so may result in disciplinary action up to and including termination. Based upon the recommendation of the department head, the City Administrator will determine whether the employee will be suspended without pay until such time as judgment is rendered by the court. Suspension without pay will occur for any arrests occurring on or off the job that are related to the job performance and are of such nature that to continue employment would impair carrying out the City's responsibility to its citizens or to other City employees, or if not related to job performance would place the City's image in an unfavorable light. Regardless of the decision of the court, the City will determine if disciplinary action is warranted under the City's policies and procedures for actions that occurred which are job related.

H-4. Procedure for Disciplinary Action. Whenever the misconduct of an employee occurs that in the judgment of the employee's supervisor justifies the application of disciplinary actions the supervisor shall notify the City Administrator of the issue, and:

- (a) Document the misconduct in writing.
- (b) Determine the appropriate disciplinary action to correct the problem.
- (c) Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include the employee, another supervisor as a witness and/or the City Administrator.
- (d) Give the employee an opportunity to refute the facts or argue against the proposed disciplinary action. The employee shall sign and may submit comments in writing to be attached to the record of the disciplinary action.
- (e) Make a final decision as to the disciplinary action.
- (f) Notify the employee of the action in writing. A copy of the documentation of misconduct and the form of disciplinary action taken shall be provided to the Administration for insertion in the employee's personnel file. Signature is not an admission of guilt, but recognition of receiving such notice.

H-5. Misconduct Subject to Disciplinary Action. The following is a list of misconduct which may subject an employee to disciplinary action. **This list is not exclusive**; it is only representative of the types of misconduct which subject an employee to disciplinary action.

- (a) Conviction of a violation of any state or federal criminal law.
- (b) Conviction of a violation of any city law.
- (c) Failure to follow prescribed safety procedures including failure to notify his supervisor of unsafe working conditions.
- (d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- (e) Inattention to duty, carelessness, breakage or loss of public property or funds.
- (f) Incompetence or inefficiency in the performance of the duties of his position.

- (g) Insubordination or other breach of discipline.
- (h) Discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the City.
- (i) Abuse of benefit leave, excessive absenteeism, or tardiness.
- (j) Temporarily leaving the workplace without the approval of the employee's supervisor.
- (k) Failure to give proper notice of absence.
- (l) Unauthorized use of City time or equipment.
- (m) Unauthorized possession of firearms or other weapons on the job.
- (n) Unlawful use of alcohol or drugs as referred to in Article R.
- (o) Unauthorized personal use of City property.
- (p) Personal or unauthorized use of City funds.
- (q) Intentional destruction of City property.
- (r) Indulging in offensive conduct or using offensive or abusive language in public or on the work site.
- (s) Inducing or attempting to induce any employee in the service of the City to commit any unlawful act or to act in violation of City regulations, official policy, or departmental orders.
- (t) Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a City employee.
- (u) The giving of false information or falsification of personnel records, time reports, or other City records.
- (v) Sleeping on duty.
- (w) Smoking in unauthorized areas.
- (x) Lying to supervisors.
- (y) Discussing with unauthorized persons any confidential information gained through employment with the City.

- (z) Distribution of literature, vending, soliciting, or collecting contributions on City time or premises without prior authorization from the City Administrator.
- (aa) Participating in or instigating a work slow-down or shut down.
- (bb) Engaging in outside business or employment activities on City time.
- (cc) Giving or accepting a bribe.

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 after being arrested for a crime and while awaiting legal adjudication, or when he has been charged with misconduct while on the job and an internal investigation is being conducted.

H-6. Causes for Termination. If a department head feels there is cause for termination of an employee that serves under his supervision, a recommendation substantiated with written documentation can be submitted to the City Administrator for consideration. With the exception of appointed positions, the City Administrator is ultimately responsible for all employment terminations. Examples of serious misconduct for which an employee may be terminated are listed below. **The following list is not exclusive;** it is only representative of the types of misconduct which subject an employee to termination. Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination.

- (a) Conviction of a felony or conviction of driving under the influence of alcohol or drugs while operating a City vehicle.
- (b) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (c) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (d) Negligent or willful damage to public property or waste of public supplies or equipment.
- (e) Taking, stealing, or using any funds or property of the City for personal use or for sale or gifts to others or the making of any false claim against the City.

- (f) Insubordination or other breach of discipline.
- (g) Unauthorized use of City time and equipment.
- (h) Gross incompetence, neglect of duty, or willful or continued failure to render satisfactory service.
- (i) 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.
- (j) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (k) Absence without approval of leave.
- (l) Harassment.
- (m) Disclosing confidential records or information unless directed to do so by a 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, 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 item of service or value, in the course of work or in connection with it, when such gift or other valuable item 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 item 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 items of service or value through the employee's 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.

- (s) Any unauthorized absence from duty shall be deemed to be an absence without pay, however, when that absence continues for three or more days without authorized leave, it shall be deemed to be a resignation from City employment without prior notice. Such absence may be excused if, upon investigation, the City Administrator finds extenuating circumstances exist.

ARTICLE I. VOLUNTARY SEPARATION

- I-1. **Resignation.** An employee who terminates employment voluntarily shall be terminated in "good standing", providing the employee gives a minimum of 2 weeks notice to his department head.
- I-2. **Rehiring.** An employee who terminates employment with the City, and reapplies for a position in accordance with Article D at a later date, must again complete the hiring process. If rehired, the employee will start out as a new employee.

ARTICLE J. REDUCTION IN FORCE

~~The City shall have the right to discontinue any operations in part or entirely, and to lay off personnel when it is in the best interests of the City. Employees laid off shall be considered for employment in other City departments if job openings exist and the employee is qualified for the available position.~~

- ~~(a) In the event of a layoff for any reason, employees shall be laid off in the inverse order of their position in seniority within the department.~~
- ~~(b) Employees shall be called back from layoff according to position seniority in the department. No new employees shall be hired in any classification until all employees on layoff status in that classification have had an opportunity to return to work.~~
- ~~(c) Employees being laid off shall be given at least 30 days advance written notice of the layoff.~~
- ~~(d) Employees being called back to work shall be notified in writing by certified United States mail sent to the most recent address provided to Administration by the employee. The employee shall be given 14 days from the date the certified letter was mailed to respond as to their intentions to return to their previous employment. If no response is received by the end of the 14th day, the hiring process will begin.~~

ARTICLE K. HARASSMENT

K-1. Harassment. The City of Basehor does not and will not tolerate unlawful harassment of its employees. The term "harassment" includes, but is not limited to slurs, jokes, and other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, and other verbal, graphic, or physical conduct of a sexual nature. This includes, but is not limited to, conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although the following policy and complaint procedure shall in some incidents refer primarily to harassment of a sexual nature, the City shall enforce the same policy and procedures for any type of harassment as defined in the preceding paragraph.

K-2. Harassment Policy.

- (a) No employee, whether supervisory or nonsupervisory, may harass another employee.
- (b) Any employee who believes that he is the victim of unwelcome behavior that would constitute harassment shall immediately report the incident(s) to any level of supervision.
- (c) All complaints involving claims of harassment shall be promptly and confidentially (as practical) investigated. The employee filing the complaint shall be advised of the results of the investigation.
- (d) Any employee, supervisory or nonsupervisory, found to have engaged in harassment of another employee will be disciplined, up to and including discharge.

K-3. Harassment Complaint Procedure. Any employee who feels he is being subject to harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor

- (b) The employee's department head
- (c) The City's Human Resource consultant Human Resource Solutions at 913-893-6861
- (d) Other supervisory personnel
- (e) The City Administrator
- (f) The Mayor

The employee should be prepared to provide the following information:

- (a) Employee's name, department, and position title;
- (b) The name of the person or persons committing the harassment;
- (c) The date(s) and approximate time(s) of the harassment;
- (d) The specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against him as a result of the harassment, or any other threats made against him as a result of the harassment;
- (e) Witnesses to the harassment, if any;
- (f) Whether he has previously reported such harassment and, if so, when and to whom.

The employee filing a harassment complaint shall document the incident in writing. If necessary or requested, the recipient of the complaint shall assist the employee filing the complaint with the written documentation, and the employee shall affix his signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

K-4. Harassment Complaint Review Process. It shall be the responsibility of the City Administrator to coordinate the investigation and review harassment complaints, although the City Administrator may delegate the investigation to the appropriate City employee or outside agency. If the City Administrator is the subject of the complaint, the Mayor shall coordinate the investigation of the complaint, and the Mayor shall be substituted in place of the City Administrator for all aspects of the complaint, and any records pertaining to such complaint. The following procedures

shall apply to the receipt, review, and handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to the City Administrator, and an investigation into the alleged incident shall be promptly started.
- (b) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation.
- (c) The investigator shall notify the employee accused of the harassment as promptly as possible of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation).
- (d) The employee accused of the harassment shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on his behalf.
- (e) Based upon the investigation report, the City Administrator shall determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the City Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. The determination of whether harassment occurred will be made on a case-by-case basis.
- (f) If it is determined that the complaint of harassment is founded, the City Administrator shall take immediate and appropriate disciplinary action against the employee guilty of harassment.
- (g) The disciplinary action shall be consistent with the nature and severity of the offense. Whether a supervisory relationship exists, and any other factors the City Administrator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City shall be taken into consideration. The disciplinary action may include demotion and/or suspension, termination, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- (h) If it is determined that the complaint of harassment is unfounded, the City Administrator shall notify the employee accused of harassment of the determination and advise that no disciplinary action is warranted.

- (i) The employee making the complaint shall be notified of the results of the investigation in writing, but not the specific discipline should there be disciplinary action taken.
- (j) If the City Administrator determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the City Administrator shall take immediate and appropriate disciplinary action against said employee.

K-5. Records of a Harassment Complaint. All records, except those affected by Kansas Open Records Act, concerning a harassment complaint shall be confidential and kept in a separate locked file. Access shall be only with the City Administrator's approval to parties who have a direct and relevant need to know.

K-6. Retaliation. The City will not tolerate any form of retaliatory acts or actions against any employee for filing a complaint under this policy, or for participating in its investigation.

ARTICLE L. 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 article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office and where holding an appointive or elective public office is incompatible with the employee's City employment.
- (b) City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates. **Employees are not permitted to make public endorsements of a candidate for City elective office or to make cash or non-cash contributions to such a candidate.**
- (c) Any employee desiring to become a candidate for a City elective office, shall first take leave of absence without pay or resign. If successful in seeking such elective office, the employee will be required to resign from employment with the City. If unsuccessful in seeking such elective office, the employee may be returned to employment on the same terms and conditions as any other employee who has

taken leave of absence without pay under Section F-13. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

- (d) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or receive political contributions during on-duty hours. They are not permitted to wear or display political badges, buttons, or signs on their person or on City property during on-duty hours.
- (e) 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.
- (f) 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.

ARTICLE M. OUTSIDE EMPLOYMENT

Outside employment constitutes a City employee being self-employed or holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial, or ethical conflicts of interest result from such dual employment. A written request must be submitted and approved by an employee's department head prior to an employee becoming self-employed or accepting outside employment.

ARTICLE N. WORKER SAFETY

N-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action. *The City of Basehor "Safety Program" in its entirety can be found in the policy section of this manual.*

N-2. Physical Fitness. It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing all assigned tasks in accordance with job descriptions. Any employee may be required to submit to taking a physical examination when requested by the department head and approved by the City Administrator. The cost of the physical examination shall be

paid by the City.

- N-3. Smoking.** Due to the January 7, 1993, report of the Environmental Protection Agency (EPA) regarding the effects of secondhand smoke, the smoking of cigarettes, cigars, and pipes is prohibited in all City of Basehor owned or leased work site facilities and in all City-owned, leased, or rented vehicles. The City Administrator reserves the right to designate certain outside areas adjacent to City facilities as inappropriate for smoking purposes.

Appropriate disciplinary action will be taken against any violations of this policy up to and including suspension and termination.

- N-4. Bloodborne Pathogens.** In accordance with the OSHA Bloodborne Pathogens Standard, 29 CFR 1910.1030, and the Kansas Department of Administration Industrial Safety and Health Regulations, the City has established an Exposure Control Plan in an attempt to eliminate or minimize the exposure to potentially infectious material for those employees who are considered at risk. The City provides protective equipment, regulates house cleaning and waste disposal of contaminants, provides training, and offers the Hepatitis B vaccine to employees that have been identified as having exposure to potentially infectious materials. *The total policy on "bloodborne pathogens" can be found in the Policy Section of this Manual.*

ARTICLE O. CARE AND USE OF EQUIPMENT AND FACILITIES

Any employee of the City of Basehor that is found to be responsible for damage to or loss of City property or equipment through negligence, carelessness or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. Any employee who does not report equipment and facility damages, regardless of cause, will be subject to disciplinary action up to and including termination.

No equipment, material or supplies belonging to the City shall be removed from its location or used without proper authority. Vehicles and other equipment assigned to individual personnel shall be used only for City work or business.

Proper maintenance of work stations, with regard to cleanliness, safety and efficiency, shall be required of all City employees.

ARTICLE P. WORKPLACE VIOLENCE

- (a) The City of Basehor is committed to providing and maintaining a workplace environment free of intimidation, violence, or threatening behavior. The City will not

tolerate acts of violence committed by or against City employees or members of the public while on City of Basehor property or while performing City of Basehor business at other locations.

- (b) Prohibited behaviors and actions include, but are not limited to intimidating, threatening, or hostile behaviors or comments, physical abuse, violent criminal actions, unauthorized use or possession of deadly weapons or explosives on City property, threatening or harassing telephone calls or e-mail messages, stalking, bizarre or offensive comments about violent events or behavior, or any other behavior which, in management's opinion, is inappropriate for the workplace.
- (c) Employees who feel subjected to any of the behavior described above, who observe or have knowledge of any violation of this policy, or who encounter suspicious persons on City property should immediately notify their supervisor. Employees who believe that workplace violence is so imminent and dangerous that it requires an immediate response, should contact proper law enforcement authorities first, and then report the incident to their supervisor.
- (d) Employees who engage in behavior that violates this policy are subject to disciplinary action up to and including discharge. Visitors who engage in behavior that violates this policy may be removed and/or prohibited from City of Basehor facilities, vehicles, or leased property. Actions that appear to be a violation of law or that are deemed to pose a risk to others will be reported to the appropriate law enforcement officials. Any City of Basehor employee failing to report actions which fall under this policy or failing to take appropriate actions outlined in this policy will be deemed in violation of this policy and will be subject to disciplinary action up to and including termination.
- (e) Employees who receive a protective or restraining order which lists city-owned or leased premises as a protected area are required to provide their supervisor with a copy of such order.

ARTICLE Q. TRANSPORTATION

Q-1. Use of City Owned Vehicles.

- (a) City owned vehicles are to be used for official City business only. Assignments of City vehicles are subject to the approval of the City Administrator.
- (b) Vehicles cannot be used to transport other family members or to attend to personal errands. Passengers in City vehicles are allowed when their presence relates to City business.

- (c) Employees who do not have a City vehicle on a daily or 24 hour basis, and are called out on an emergency basis, should record the mileage to and from City facilities or the job site and request mileage reimbursement in accordance with Q-5.
- (d) Exceptions to this policy may be made with approval by the City Administrator.
- (e) Use of a cellular phone while driving a city owned vehicle is prohibited.

Q-2. Mileage from Home to Work in City Vehicles. The use of a City vehicle to commute to and from work is considered a taxable benefit by the IRS and will be handled based on IRS guidelines. (Subject to change with IRS regulations.)

Q-3. Responsibility of Drivers. Employees operating City vehicles are expected to practice all safety precautions when utilizing a City vehicle. Any employee operating a City vehicle must have an applicable valid Kansas driver's license which must be on or accompanying the employee when driving such a vehicle. Seat belts shall be worn by all City employees and passengers while operating or riding in a City vehicle in accordance with State Statutes. Failure to comply with these policies will cause the employee to be subject to disciplinary action up to and including termination.

Q-4. Accidents Involving City Owned Vehicles. If an employee has an accident while operating a City-owned vehicle which results in personal injury or property damage, the employee shall notify the Police Department immediately, and then notify his supervisor. This should be done regardless of how minor the accident appears. The employee shall insist that all parties and property concerned remain at the scene of the accident until police officers can investigate the incident. Supervisors shall report all accidents to the Director of Finance and the City Administrator.

Q-5. Use of Private Vehicles for City Business. If employees are required to use a personal car in the performance of official duties for the City, they may receive a mileage rate as established by the Internal Revenue Service. Expenses for mileage must be submitted to and approved by the employee's department head and the City Administrator.

Q-6. Driver License Reviews. The City reserves the right to annually review the driving record of all employees who are authorized to drive a City vehicle or receives an automobile allowance and are required by their job description to hold a Kansas valid driver's license. This screening takes place in order to protect the City and its

citizens from liability in the event that a City employee has an accident and someone is injured or property is damaged and to help ensure accountability and responsibility for safe driving when public funds are involved.

ARTICLE R. SUBSTANCE ABUSE

The City of Basehor is committed to providing a safe, drug, and alcohol free workplace for all City employees and the general public.

- (a) All employees holding safety sensitive positions, as established in personnel job descriptions, will be subject to a random alcohol screening program.
- (b) Following a job offer, a drug screening will be performed on all full-time and part-time applicants and may be performed on seasonal applicants. Additionally, all employees will be subject to drug and alcohol testing for the purposes of reasonable suspicion, post injury accident, and return to duty screening.
- (c) The illegal use, possession, distribution, dispensation, manufacture or sale of narcotics, drugs, or controlled substances by an employee while at the worksite, on City owned property, during working hours, or on stand-by duty is prohibited.
- (d) The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on City of Basehor property, in any City of Basehor vehicle, or on duty, including breaks or lunch, paid or unpaid, or on any shift is strictly prohibited.
- (e) No employee shall report for duty or remain on duty while having an alcohol concentration of .02 or greater.
- (f) No employee shall refuse to submit to an alcohol or controlled substance test if said test is required due to a post injury accident, reasonable suspicion, or return-to-duty requirement. Behavior that constitutes a refusal to test includes, but is not limited to, refusing to provide a specimen, tampering with a specimen, failing to appear for testing within 20 minutes of notification, leaving the scene of an accident without just cause prior to submitting to a test, leaving the collection facility prior to test completion, failing to permit an observed or monitored collection when required, failing to take a second test when required, failing to undergo a medical examination when required, failing to cooperate with any part of the testing process, or once test is underway, failing to remain at site and provide a specimen.
- (g) When involved in a motor vehicle accident, an employee must remain readily available to be tested for alcohol and controlled substances as soon as practical if requested to do so by a supervisor. If an accident involves a human fatality, the employee operating the motor vehicle must report for alcohol and controlled substance testing as soon as possible. If there is bodily injury with immediate

medical treatment away from the scene or disabling damage to any motor vehicle requiring tow away whereby the employee has the potential to be issued a citation, the employee operating the motor vehicle must report for alcohol and controlled substance testing as soon as possible.

- (h) All employees are subject to reasonable suspicion alcohol and/or drug testing. Examples of reasonable suspicion include, but are not limited to, the following:
 - (1) Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
 - (2) Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
 - (3) Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
 - (4) Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- (i) An employee who refuses to take or fails a drug or alcohol test shall be removed from performing job duties immediately. Additional disciplinary action up to and including termination may result.
- (j) An employee who fails a drug or alcohol test may be given an opportunity to retain his employment provided the employee:
 - (1) agrees to be evaluated and attend a rehabilitation program; and
 - (2) receives a verified negative test result on a return-to-duty test.
- (k) All costs associated with an evaluation and rehabilitation program are the responsibility of the employee.
- (l) A second positive drug or alcohol test will result in immediate termination of employment.
- (m) Proven use of alcohol or illegal drugs off the job which adversely affects an employee's job performance or jeopardizes the safety of other employees, the public, or City equipment is a violation of this policy.
- (n) Employees shall notify their department head or supervisor of any drug or alcohol conviction which they receive as soon as feasibly possible.
- (o) Employees undergoing prescribed medical treatment for a controlled substance must report and verify this treatment to their supervisor.

ARTICLE S. RESIDENCY

S-1. Requirements. Residency requirements for City of Basehor employees include the following:

- (a) The City Administrator shall live within the city limits.
- (b) All employees shall live within 30 miles of the City limits.
- (c) ~~Any employee who chooses to live inside the City limits of Basehor shall be eligible to receive a rebate of ½ of their City property tax annually, on their primary residence.~~
- (d)(c) Any City employee whose primary residency does not meet the criteria for the current position as set out above, as of July 1, 2010, is "grandfathered" and not subject to this ordinance until such time as they move.

S-2. Enforcement. Enforcement of violations and penalties will be as follows:

- (a) If an employee moves outside the required residency boundary, such employee shall be considered to have resigned his position with the City.
- (b) Maintaining a mailing address within the required residency boundary shall not be sufficient to meet the residency requirements. Employees shall be required to actually reside within the required boundary.
- (c) Location of residency shall not be an excuse for absences or tardiness and may result in a deduction of pay, disciplinary action and/or discharge.
- (d) It shall be the responsibility of each employee to immediately notify the Administration office of any change in residence address or telephone number.
- (e) The City Administrator shall have the power to promulgate, in writing, rules and regulations which shall be reasonably necessary for the purpose of carrying out the provisions of this policy.

ARTICLE T. COMPUTER USAGE

- (a) All information technology systems that are owned or supported by the City of Basehor and/or are connected to the City of Basehor computer network system are

governed by this policy.

- (b) All data from any source or for any purpose that is stored on City computer equipment is the property of the City of Basehor.
- (c) Unauthorized use of information technology systems for non-work related reasons is not permitted during work hours.
- (d) All software must be rightfully licensed. Unauthorized copying of licensed software is illegal and is strictly prohibited.
- (e) The City Administrator or his designee shall install all software on City owned computer equipment and will be responsible for an oversight of registration of the software.
- (f) Computer games are not permitted on City computers.
- (g) Hardware and software that is not purchased by the City is prohibited from connection or installation to the City network in any way unless authorized by the City Administrator.
- (h) City-owned information technology systems shall not be removed from the City premises without authorization of the City Administrator.
- (i) Inappropriate use of Internet access and electronic mail (e-mail), including but not limited to, use of the Internet or e-mail system for personal gain or solicitation, campaign activities, sending harassing or threatening messages to others, forwarding "for-profit" messages or chain letters, or sending or accessing pornography or pornographic materials, is prohibited.
- (j) All e-mail and internet communication messages are the property of the City of Basehor and management reserves the right to access all messages. Employee Internet and e-mail usage will be monitored. Excessive use of the Internet or e-mail for personal use is prohibited.
- (k) New employees may be required to attend specific training courses relative to the nature of their position.
- (l) Employees in violation of this policy shall be subject to appropriate disciplinary action up to and including termination.

ARTICLE U. CELLULAR TELEPHONE USAGE

The purchase and assignment of cellular telephones shall be subject to the approval of the employee's department head and the City Administrator. All cellular plans and

purchases will be administered by the City Administrator.

- (a) Cellular telephones are not to be used when a less costly alternative is readily available.
- (b) Cellular telephones provided by the City are intended to be used solely in the conduct of City business. No personnel use of City phones is allowed except as outlined in U-(c).
- (c) Cellular services for certain supervisory staff, as deemed necessary by the City Administrator, will be billed as a taxable benefit and will not fall under the monthly itemization process. Additional charges incurred by select supervisory staff that is not part of their package plan will need to be reimbursed to the City at the actual amount charged by the cellular provider.
- (d) The employee assigned the use of a cellular telephone is expected to exercise discretion regarding persons having access to their cellular telephone number in an effort to minimize telephone usage costs.
- (e) Usage such as text messaging and data services of any kind, including picture transmission via cellular means, will be the responsibility of the user at the actual cost charged by the cellular provider. An exception would be services that are part of an existing package on select telephones.
- (f) Employees are reminded that cellular telephones should not be considered secure. Therefore, employees should use discretion in relaying confidential information, and reasonable precautions should be made to prevent equipment theft. Reasonable precautions should also be taken regarding loss or general damage to the telephone and related equipment. It is the employee's responsibility to reimburse the City for the replacement of damaged or lost telephones and equipment, unless the department head chooses to replace the telephone through their departmental budget.
- (g) Employees who violate this policy shall be subject to appropriate disciplinary action up to and including termination.

ARTICLE V. EMPLOYEE DRESS AND GROOMING

- (a) Employees are expected at all times to present a professional, businesslike image to customers and the public. Acceptable personal appearance is an ongoing requirement of employment with the City.
- (b) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:

- (1) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire, jeans, athletic clothing, shorts, t-shirts, novelty buttons, baseball hats, and similar items of casual attire that do not present a businesslike appearance.
 - (2) Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length.
 - (3) Sideburns, mustaches, and beards should be neatly trimmed.
 - (4) Tattoos and body piercing, other than earrings worn in ears, should not be visible. For those employees that have visible tattoos or piercings, the department head has the authority to request an employee to wear appropriate clothing to cover the tattoo or piercing based on the employee's position and exposure to the public.
 - (5) Certain employees, such as those employed by the Police Department, may be required to meet special dress, grooming, and hygiene standards depending on the nature of their job.
- (c) Employees who are furnished uniforms by the City are to maintain the uniforms in a professional manner. Specific regulations regarding uniforms may be adopted by individual departments, but generally, uniforms will include a City emblem and will identify the employee and department. Employees are not to alter uniforms in any manner and they are to be worn during working hours only. At the time of termination, all City uniforms shall be returned to the employee's supervisor.
 - (d) Non-uniformed seasonal or part-time employees are required to wear clean, neat, casual clothing appropriate for the safety of the position for which they are hired.
 - (e) The City Administrator may establish casual days on which the dress guidelines will vary. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
 - (f) All employees are to adhere to safety rules and regulations relating to the type of clothing required, the shoes worn, jewelry, hair, and beards as pertinent to the job they hold and as stipulated by their supervisor.
 - (g) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises, during which time the employee will not receive compensation. Violations of this policy may result in disciplinary action.

ARTICLE W. INCLEMENT WEATHER

- (a) Generally, inclement weather does not warrant the closing of City facilities. Every employee is expected to make every attempt to report to work as usual. Some City operations and activities must continue regardless of, or because of, the weather conditions. Department heads and emergency personnel are required to work during inclement weather in accordance with their individual departmental rules and regulations.
- (b) If local weather conditions make it impossible for non-emergency personnel to report to work, the employee is expected to notify his supervisor in the same manner as for any other absence. PTO or leave without pay may be used.
- (c) If weather conditions become progressively worse during the course of the work day, all employees will be expected to finish out their work schedule unless granted leave or contrary instructions are received from the City Administrator.

ARTICLE X. PUBLIC RELATIONS

- X-1. Citizen Communications.** The City of Basehor is a service organization and the first priority of all City employees should be to serve the citizens of Basehor in an efficient, effective and professional manner. Employees should always remember that the citizen comes first and is entitled to the same thoughtful treatment that employees would like to receive.
- (a) Questions, complaints, and inquiries from citizens should be given immediate attention. If a citizen/customer does become abusive or argumentative and the employee cannot properly handle the situation, the citizen/customer should be referred to the employee's supervisor.
 - (b) All citizen/customer inquiries shall be followed up within a reasonable time period.
 - (c) Employees shall exercise courtesy and thoughtfulness in using the telephone. When answering the telephone, the department shall be identified.
 - (d) Impolite, abrasive, and unprofessional behavior in dealing with the public is totally unacceptable. Such behavior could result in disciplinary action or termination of employment.

- X-2. Media Releases.** City employees who receive requests for information from the media should relay those requests to their department heads immediately. Upon receipt of a request for information, department heads should either provide the information to the media as soon as possible or pass the request on to the City Administrator's Office if it would be more appropriate for that office to respond to the request. A department head that chooses to provide information to the media on a non-routine matter, shall report the conversation to the City Administrator as soon as possible.
- X-3. Open Meetings Law.** The City Clerk shall act as the local Freedom of Information Officer and shall address any requests or questions relative to the Kansas Open Records Act as adopted by K.S.A. 45-221.