

DEPARTMENT OF HUMAN RESOURCES

RULES & POLICY MANUAL



CITY OF KANSAS CITY, MISSOURI

Effective August 4, 2014

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HUMAN RESOURCES RULES AND REGULATIONS

PURPOSE OF RULES

It is the purpose of these rules to give effect to the provisions of Article V of the City Charter. These rules set forth the principles and procedures which will be followed by the city of Kansas City (herein after 'City') in the administration of its Human Resources program. They are intended to establish an efficient, equitable and functional system of Human Resources administration based on merit principles which govern the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. **These rules do not create a contract, express or implied, nor do they guarantee employment for any definite period of time.** These rules supersede any previous Rules and Policies Manual.

DEFINITIONS OF TERMS

Throughout these rules the following words and phrases shall have the meanings indicated except where the context clearly indicates otherwise. All references to applicants and employees designate both sexes and wherever the male gender is used it shall be construed to include males and females.

APPOINTING AUTHORITY

The department director, officer, commission, or board having the power of appointment and removal of subordinate positions in any office, department, commission, board, or institution, or any person or group of persons having the power by virtue of the City Charter, ordinance or other lawfully delegated authority to make appointment to positions in the municipal service.

APPOINTMENT

The designation to a position in the classified service of a person on an appropriate eligible list who has qualified for the appointment through an appropriate examination.

CERTIFICATION

The act of the Human Resources Director in supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with the provisions of the City Charter and these rules, for appointment to a position.

CHARTER

The Charter of the city of Kansas City, Missouri, and its subsequent amendments and revisions.

CLASSIFIED SERVICE

All positions in all departments and offices not specifically included in the unclassified service.

DEMOTION

The movement of an employee from a position in one job classification to a position in another job classification having a lower maximum salary rate.

DEPARTMENT

Any of the departments in the municipal government including the Human Resources Department, now or as hereafter established under the provisions of the City Charter or ordinances of the City of Kansas City, Missouri.

DEPARTMENT DIRECTOR

The officially appointed director of any department or his designee.

DIRECTOR

The Human Resources Director or his designee.

ELIGIBLE CANDIDATE

A person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the classified service.

EMPLOYEE

A person who is hired for a wage, salary, fee or payment to perform work for the City.

EXAMINATION

- a. **ASSEMBLED** - An examination for which applicants are required to appear at a specific place for the purpose of taking a written test.
- b. **UNASSEMBLED** - An examination process that consists of the rating of training, education and/or verifiable work experience.

EXEMPT POSITION

Any position not covered by the overtime provisions of the Fair Labor Standards Act (FLSA) of the federal government.

HUMAN RESOURCES COMMITTEE

Consists of the City Manager, the Director, the City Auditor, and a director of a department to be designated and appointed from time to time by the Committee. The Human Resources Committee shall have jurisdiction over subject matter referred or designated to it by ordinance or administrative regulation.

HUMAN RESOURCES BOARD

A three member panel appointed by the Mayor to conduct de novo hearings on appeals of demotions, suspensions, and termination of employment of regular employees in the classified service.

JOB CLASSIFICATION (Job Class)

The original assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of work to be performed. One or more positions that are sufficiently similar in respect to assigned work duties, responsibilities, minimum education and work experience requirements, and the same salary range may be designated to the same job classification.

JOB CLASSIFICATION SERIES

The arrangement in sequence of classifications that are alike in kind of work and responsibilities assigned, but not at the level of assigned work and responsibilities.

JOB CLASSIFICATION SPECIFICATION

A general written statement prepared by the Department of Human Resources that describes the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

JOB DESCRIPTION

A specific written statement prepared by a specific department that describes the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

LAYOFF

The separation of an employee that has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

NON-EXEMPT POSITION

Any position that is covered by certain overtime provisions of the Fair Labor Standards Act (FLSA) of the federal government.

POSITION

A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

- a. **FULL-TIME** (Regular): A position included in the adopted annual budget that is neither specified as part-time or temporary employment, nor limited for a period of less than the budget year; also any such position established during a given budget year unless the appointing authority certifies to the Director that such position will not be continued in the succeeding year's budget.
- b. **PART-TIME** (Regular): Employment in a regular position adopted in the annual budget for work on a basis of less than eight (8) hours a day or less than eighty (80) hours in a bi-weekly pay period which may be of a regular or intermittent nature.
- c. **SEASONAL**: A position included in the adopted annual budget comprising duties which occur, terminate and recur seasonally, intermittently and according to the needs of a department; non-regular employment lasting less than six (6) continuous calendar months.
- d. **LIMITED TERM MERIT**: A position that is temporary in nature and will be eliminated and the incumbent's employment terminated when the assigned City work projects are completed.

PROBATIONARY PERIOD

A six (6) month working test period during which an employee, newly appointed or promoted, is required to demonstrate his fitness by actual performance of the duties of the position to which he is appointed or promoted.

PROMOTIONAL/INTERNAL RECRUITMENT

A recruitment for positions in a particular class, to which admission is limited to regular employees in the classified service who meet the qualifications set forth in the examination announcement notice.

PROMOTIONAL LIST

The names of regular employees arranged in descending order of their final ratings on promotional examination for classes of positions for which they have competed and are qualified for appointment or arranged in alphabetical order by Kansas City, Missouri residency if an unassembled examination is required.

PROVISIONAL APPOINTMENT

A temporary appointment not to exceed sixty (60) calendar to a classified position pending the establishment of an appropriate list.

RECLASSIFICATION

The official determination by the Director that a position be assigned to a job classification different from the one to which it was previously classified.

REGULAR EMPLOYEE

An employee who has been hired into a position in the classified service and who has successfully completed an initial six (6) month probationary period.

RESIDENCE

The place where a person has his true, fixed, and permanent home and principal establishment and to which, whenever he is absent, he has the intention of returning. A person satisfies the residence requirement if a portion of the lot or the parcel of land on which his residence is located is within the city limits.

UNCLASSIFIED SERVICE

The unclassified service shall include all persons in the following positions/job classifications:

- a. Elective Offices (City Council, Mayor, Judges)
- b. City Manager
- c. Assistant City Manager
- d. Department Director
- e. Deputy Director
- f. Deputy Director of Water Services
- g. Deputy Director of Aviation
- h. Members of all Boards and Commissions
- i. Executive Secretary to the City Manager
- j. Administrative Secretary to Department Director
- k. City Clerk
- l. Chief Deputy City Clerk
- m. City Auditor
- n. Internal Auditor
- o. Contract employees
- p. Persons employed to make or conduct special inquiry, investigations, examinations, or installation
- q. Assistant to Elected Officials

(Charter, Section 903).

VACANCY

An authorized position which is not occupied and for which funds have been provided and are available.

RULE 1 - GENERAL PROVISIONS

SECTION 1.1 POSITIONS COVERED BY THE RULES AND COLLECTIVE BARGAINING AGREEMENTS:

These rules shall apply to all positions in the classified service in all departments, boards, commissions, and agencies of the City and to such positions in the unclassified service as may be provided herein (Charter, Article V, Sec. 116).

Employees in classifications within the bargaining units of Local No. 500 (AFSCME), Local Nos. 42 and 3808 (IAFF) shall also be governed by the provisions of the Collective Bargaining Agreements, where applicable and when in effect. The Collective Bargaining Agreements referred to herein shall be those Collective Bargaining Agreements which are in effect and which were entered into by the City of Kansas City, Missouri, and Local No. 500 of the AFSCME, AFL-CIO, and Local Nos. 42 and 3808 of the IAFF, AFL-CIO, and are fully incorporated herein by reference.

SECTION 1.2 ADMINISTRATION OF THE RULES:

The Director, under the general supervision of the City Manager, shall be charged with the responsibility for the administration of these rules. The Director is authorized to promulgate rules regarding employee conduct in the workplace. A violation of these rules may be cause for disciplinary action against any officer or employee of the City.

A copy of this policy, with any amendments thereto, shall be submitted to each department director to be distributed in such manner as will bring it to the attention of all employees of such department. Management has the responsibility to ensure that each employee is aware of these rules, as well as subsequent updates, and may be required to provide such proof upon request.

SECTION 1.3 POLICY STATEMENT AGAINST DISCRIMINATION:

The City of Kansas City has a policy against illegal discrimination. (*See Appendix A*) It shall be the policy of the City that all persons regardless of race, religion, color, ancestry, sex, national origin, age (40 and over), disability, genetic information, sexual orientation or gender identity shall have an equal opportunity of employment including: recruitment, hiring, training, benefits, transfers, layoffs, demotions, terminations, compensation, and any other terms or conditions of employment. The City reserves the right to have age restrictions that are permitted by law.

No person seeking admission to or in the classified service shall be appointed, promoted, demoted, removed, or advanced on any basis or for any reason other than qualification, merit, and fitness for the service or lack thereof.

Retaliation against any person because he or she has made a report, testified, assisted or participated in any manner in an investigation under this policy or opposed any practice prohibited by these policies will not be tolerated in the city workplace and is hereby prohibited. (City Ordinance, Chapter 2, Article V, Sec. 2-364)

SECTION 1.4 REASONABLE ACCOMMODATIONS FOR EMPLOYEES/ APPLICANTS WITH DISABILITIES:

It is the policy of the City of Kansas City, Missouri to afford qualified individuals with disabilities an equal employment opportunity. Upon request, the City will make reasonable accommodations for qualified current employees and job applicants with disabilities. (*See Appendix L*).

SECTION 1.5 DEPARTMENTAL REGULATIONS:

Departments have the authority to make reasonable rules governing the conduct and performance of their employees. Departments may enact rules and policies as long as they do not conflict with charter, ordinance provisions, administrative regulations, or human resources rules and policies. Any disputes

shall be resolved through the grievance process. Where reasonable, electronic dissemination of departmental policies is appropriate. Such rules and regulations, when approved, published and distributed as herein provided, shall have the force and effect of rules of that department and disciplinary action may be based upon breach of any such rules.

SECTION 1.6 PROHIBITION OF POLITICAL ACTIVITY:

Interest and participation in political elections is a valued right of American life. Although those of us who choose public service are placed in a somewhat different position than persons not employed by the City, public service does not require a complete forfeiture of our rights of political participation.

The City's restrictions on political activity are subject to the State of Missouri and Federal law. Any inconsistencies with City restrictions must be resolved in favor of applicable Missouri or Federal law. Restrictions on political involvement by public employees was at one time viewed as a protection against unlawful pressure to participate in political affairs, whether or not an employee was personally supportive of a candidate or issue. Such restrictions were also viewed as necessary to foster efficient and impartial government. However, as time passed, these restrictions have often become unwarranted restrictions on a public employee's First Amendment rights to express political opinions. *Goodman vs. City of Kansas City*, Case No. 95-0130-CV-W-9 (W. D. MO. Sep 20, 1995).

Therefore, a City employee may make contributions to federal, state, and local candidates and campaign committees. However, no button, cap, hat, shirt or other passive display may be worn during work hours or if wearing a City uniform or any badge or other insignia indicating that a person is a City employee, such as a name tag. An employee may wear a political button, display a bumper sticker, post political signs or make any other passive display in support of a political candidate or position for any election if not wearing a City uniform or any badge or other insignia indicating s/he is a City employee. Such passive displays include, but are not limited to, caps, hats, and shirts.

An employee may participate in an election campaign. This may include attendance at social events, including fund raising events. However, an employee may do nothing to imply that the employee is acting with the approval or disapproval of the City. An employee must make an appropriate effort to indicate that his participation in a political campaign is in a personal capacity.

No employee shall be required to participate in any election campaign, whether for or against a candidate, or for or against an issue. No employee shall be required to contribute money, time or other services to any election campaign or political organization. No employee shall solicit, by way of any explicit or implied threat of any kind, coercion or force, any other employee to contribute money, time or other services to any election campaign or political organization. Lawful participation in political campaigns by an employee shall not result in any benefit nor any detriment to the person's employment.

Solicitation of employees while in any City building or other work site is not permitted. No person shall permit any solicitation of any contribution or payment for any political purpose of any employee in any City building or other work-site. The City Charter, Section 908, provides that any person who permits such solicitation to occur "shall be discharged forthwith from City service."

SECTION 1.7 CANDIDACY FOR OFFICE

No appointive officer or employee of the City may hold an office inconsistent with the person's municipal duties. (Charter, Article IX, Sec. 909(b))

SECTION 1.8 EMPLOYEE TESTIMONY BEFORE CITY COUNCIL OR ITS COMMITTEES, OR CITY BOARDS OR COMMISSIONS

Individual employees assigned to substantive participation in the decision making or planning process related to any City program issue, City/department budget allocation, project, pending ordinance,

resolution or other enabling legislation, in the form of research, drafting, discussion, or planning, who have views or opinions about an issue, project, court case, pending ordinance, resolution or other enabling legislation, city programs, etc. that are divergent or conflicting with those of the City's official representative shall, before providing any testimony:

- Meet with department director in an effort to reconcile positions before testifying.
- If the conflict is not reconciled, the matter will be brought to the City Manager or his designee for consideration prior to any individual employee testimony before the entity. The City Manager will then determine the official position of the City for guidance of all concerned.
- In exceptional cases, divergent viewpoints may be presented to these entities but the City Manager or his designee will indicate the official position of the City.

Individual employees who have views or opinions about an issue, project, court case, pending ordinance, resolution or other enabling legislation, city programs, etc. that are divergent or conflicting with those of the City's official representative shall not:

- Use City work time to present their views.
- Identify themselves as City employees while presenting their views.
- Wear City issued uniforms, badges, or any other items that might identify themselves as City employees.
- Drive a City vehicle to the meeting location.
- Make statements that would lead a person to believe that they are speaking on behalf of the City.

SECTION 1.9 ADDITIONAL COMPENSATION OF EMPLOYEES

No officer or employee in the City service shall be entitled to any additional salary, fees, or other emoluments other than as expressly provided by City Charter and Ordinance for any duty performed or service rendered for the City or about its business or affairs: provided, however, an officer or employee with peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, and who is employed by the City on a part-time basis, may be further employed and compensated by the City for special services other than and in addition to the services regularly performed by such employee or officer on such part-time basis of employment and compensation. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1094).

SECTION 1.10 OUTSIDE EMPLOYMENT

Outside employment for any city officer or employee during assigned working hours is prohibited, except as follows:

- a. Leave of absence without pay shall be taken for the duration of such employment; and
- b. Such employment shall not be detrimental to the best interests of the city; and
- c. All officers or employees shall be available for recall to duty from such leave in the event of an emergency occurring during or outside of normal working hours; and
- d. Written approval for such outside employment shall be obtained from the department head, from the city manager in the case of a director under his jurisdiction, or from the mayor for all others; or
- e. Such outside employment may occur during regular assigned working hours for which an employee has taken vacation leave, subject to the conditions set forth in subsections (b) and (c) of this section; provided, however, the department head is notified of such outside employment.

The term "outside employment," as used in this section, shall not include employees granted a leave of absence because he has been elected or selected to hold office/employment for one of the City's recognized public employee unions.
(City Ordinance, Chapter 2, Article VIII, Sec. 2-1093)

SECTION 1.11 SERVING ON NON-CITY RELATED BOARDS/COMMITTEES

Serving on non-City related boards/committees for any city officer or employee during regular assigned working hours is prohibited, except as follows:

- a. Such activities shall not be detrimental to the best interests of the city; and
- b. Such activities may occur during assigned working hours for which an employee has taken vacation leave, subject to the conditions set forth in this section; provided, however, the department head is notified of such outside employment.

SECTION 1.12 RECORDING IN THE WORKPLACE

The recording function (audio, video, pictures/still images) associated with cameras and other wireless communication devices (PDAs, Cellular/Mobile Telephones, etc.) is prohibited from being used in the workplace. Videotaping, audiotaping and photographing in the workplace is also prohibited unless such activities are a part of an employee's regular job duties or when the employee has received written authorization from his Department Director. However, the video/audio recording of employee meetings and meetings with supervisors and/or managers is expressly prohibited, without exception.

SECTION 1.13 WEAPONS AND DANGEROUS INSTRUMENTS IN THE WORKPLACE

The possession of weapons and dangerous instruments in the workplace is expressly prohibited.
(See Appendix B)

SECTION 1.14 ZERO TOLERANCE POLICY REGARDING THREATS OR ACTS OF VIOLENCE

The City of Kansas City has a *zero tolerance* policy regarding threats or acts of violence. All employees are expected to adhere to the Zero Tolerance Policy against Threats or Acts of Violence in the Workplace Policy. *(See Appendix I)* If an employee is found to have violated this policy, such actions will result in serious disciplinary action up to and including termination.

SECTION 1.15 DRUG & ALCOHOL MISUSE TESTING POLICY

The City strongly enforces a drug and alcohol free environment. As such, it is the policy of the City of Kansas City, Missouri, to protect the public safety and the integrity, efficiency and productivity of the workplace by establishing an expectation that all employees are fit for duty while on the job. All employees are expected to adhere to the Drug & Alcohol Misuse Testing Policy. *(See Appendix J)*

SECTION 1.16 EMPLOYEE FILES

Employee files for all full-time, part-time, and seasonal employees are maintained by the Director of Human Resources and are considered confidential. Managers and supervisors other than the Human Resources Director may only have access to employee file information on a need-to-know basis. A manager or supervisor considering the hire of a current or former employee may be granted access to the file.

Upon request, current and former employees with proper photo identification will be permitted access to their employee file in the presence of Human Resources staff. Employees may be required to make an appointment to review their file according to Human Resources staff availability. Employees may, for the cost of reasonable duplication, obtain copies of materials in those files to which they have access. Such copies will be made by Human Resources staff, as appropriate.

SECTION 1.17 CHANGE OF ADDRESS/TELEPHONE NUMBER

All City employees are required to provide the City, in writing or through the City's electronic HR information system, with his most recent address and/or telephone number within two (2) weeks of the change.

SECTION 1.18 EMPLOYEE IDENTIFICATION CARDS

All City employees will be issued an employee identification card at the time of their employment by the City. Employees may be required to wear their City identification while at work where practicable. Employees are required to report any stolen or lost identification cards immediately. (Administrative Reg., 2-01)

SECTION 1.19 CITY-WIDE TECHNOLOGY USE & PROCUREMENT

Users of City-supplied electronic communication equipment are responsible for showing reasonable effort in protecting the City's assets. Users must use all forms of electronic communication equipment in accordance with all applicable laws, regulations and City policies. This includes compliance with copyright and license laws covering software, data and written material accessed, obtained or provided to others via the Internet. (*See Appendix C*)

SECTION 1.20 USE OF WIRELESS TELEPHONES WHILE DRIVING OR OPERATING EQUIPMENT

Employees are prohibited from using wireless communication devices, including texting, while operating a City vehicle or motorized and/or dangerous equipment.

SECTION 1.21 RESIDENCE OF EMPLOYEES

All City employees, except those exempted, are required to be residents of the city of Kansas City, Missouri.

Any employee whose work is of such a nature that he spends 75 percent of his work time outside the city limits shall be exempted from this residence requirement.

Any employee who has established a residence within the city limits and who subsequently moves his place of residence outside the city limits shall forfeit his position of employment with the city.

Involuntary transfer of employment MAST—Exception. City employees who were employed by the Metropolitan Ambulance Services Trust (MAST) when ambulance services were transferred from MAST to the City on April 25, 2010, and, who were living outside the city at the time of transfer, may continue their residency at the location outside the city. Should the employee either voluntarily move his residence or transfer from a non-firefighter position in the classified service to the position of firefighter or to any position outside of the fire department, the employee shall comply with the requirements of this section.

Employees of the City failing to comply with the provisions of this section will be dismissed from the municipal service forthwith. (City Ordinance, Chapter 2, Article VII, Sec. 2-972)

SECTION 1.22 REPORT OF ARREST OR LAW VIOLATION

Any employee who is arrested for a felony charge or a serious violation of law, including ordinance violations, and has a trial pending shall have his case reviewed by the department director. It is the employee's responsibility to notify the department director of such charges. The department director, taking into consideration the duties and service of the employee, shall have the authority to allow the employee to continue in his current position, reassign the employee to a less sensitive position or to suspend the employee until such time as a judgment is rendered by the court. If the employee either pleads guilty, no contest or the equivalent, or is subsequently convicted of a felony charge or a serious

violation of law, including but not limited to a reduced charge as a result of a plea bargain, he or she may be removed from the municipal service. If the suspended employee is found not guilty and is released by the court, he shall be reinstated to the former position with pay upon the employee's furnishing the department director proper documentation regarding other employment, if any, for all time he was suspended as a result of such charges. However, any earnings of a suspended employee from another employer during the period of suspension shall be offset against the back pay with the city. It is the employee's responsibility to keep the City aware of any pending charges, and the outcome of the hearing. The employee must notify the City immediately and prior to returning to work. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1112 (c))

DRIVING POSITIONS - Employees who are required to possess a Commercial Driver's License (CDL) or regular operator's license to perform their duties, are required to notify their department director in the following circumstances:

- a. Conviction for any traffic violation (moving/non-moving except for parking). Notification must occur within 30 days of the conviction.
- b. License has been suspended, revoked, cancelled, or the employee has been disqualified from driving. Notification must occur prior to the start of the employee's next work shift.

SECTION 1.23 REPORTING OF CITY RELATED INCIDENTS, ACCIDENTS OR THEFTS

The City requires employees to report accidents, injuries, damage, loss or security incidents occurring to, on or involving the City, its property, employees and/or members of the public through their interaction with the City, its property, employees or a City activity. (*See Appendix K*)

Retaliation against any person because he has reported an accident, injury, damage or loss of City property, or is receiving Worker's Compensation will not be tolerated in the City workplace and is hereby prohibited.

SECTION 1.24 BULLETIN BOARDS

It is the policy of the City to use bulletin boards only for the purpose of communicating City business and items of special interest to employees.

Each department director should appoint appropriate individuals to oversee departmental bulletin boards, approve all documents prior to posting and review the bulletin board as often as necessary to ensure that all postings are authorized and current. All bulletin board notices should be posted for a specific period of time and show the date posted and also the date the notice should be removed.

A notice posted on a departmental bulletin board shall have the effect of notification to all employees in the department at the time the notice is posted.

a. AUTHORIZED USES

Intra departmental communications--notices generated by department management to communicate City policy, department policy, new developments or instructions.

Interdepartmental communications--notices from other departments which are specifically directed for posting on bulletin boards. Communications not specifically directed to bulletin boards should not be posted.

General interest--get well cards, thank-you notes, for sale notices, may be posted with prior approval.

Internal organization news (i.e., Credit Union, Employees' Club, etc.) may be posted with prior approval.

b. **PROHIBITED USES**

It is expected that the content of all postings will be in good taste, consistent with City policy and for the purpose of information or employee morale. The following types of communications will not be permitted:

- Political notes
- Items derogatory to the City or its employees, or otherwise disruptive in nature
- Items not of a business-like nature

RULE 2 CLASSIFICATION

SECTION 2.1 THE CLASSIFICATION PLAN

The classification of all positions in the classified service are made and promulgated by the Director, with the approval of the City Manager. The titles of the classes of positions named and described in the position classification plan shall forthwith become the official title of all positions allocated to the respective classes and shall be used on all payrolls, budget estimates and personnel records. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1072)

The position classification plan shall include:

- a. An outline of classes of positions in the classified service arranged in appropriate occupational groups.
- b. Class specifications in such form as prescribed by the Director and approved by the City Manager.

SECTION 2.2 PURPOSE OF THE CLASSIFICATION PLAN

- a. To provide the fundamental basis of the compensation plan.
- b. To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes.
- c. To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individual and groups of positions.
- d. To assist appointing authorities in determining personal service costs and projections for annual budget requirements.
- e. To provide a basis for developing standards of work performance.
- f. To establish lines of promotional opportunity.
- g. To indicate employee training needs and development potentials.
- h. To provide uniform and meaningful titles for all positions.

SECTION 2.3 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Director shall conduct position classification studies at such times as he deems it necessary or:

- a. Whenever the duties and responsibilities of existing positions have undergone significant change
- b. When he is notified that new positions are to be established
- c. Upon request of an appointing authority or department director, if the classification of such position has not been reviewed within the last twelve (12) months.

If the Director finds that substantial change in organization, the creation or change of positions, or other pertinent conditions make necessary the amendment of an existing class, he may amend the classification plan subject to review by the City Manager.

SECTION 2.4 CLASSIFICATION CHANGES

- a. Whenever the title of a class is changed without a change in duties and responsibilities, the incumbent shall have the same status in the re-titled class as he had in the former class.

- b. When a position is reclassified to a class with a higher maximum salary rate, the Director may provide the incumbent of the position the same status in the new class as he had in the former class, only if he finds:
 - 1. That the reason for the reclassification of the position is the gradual increase of new duties and responsibilities over a period of six (6) months preceding the effective date of said reclassification or a reorganization approved by the City Manager; and
 - 2. That such increase of duties has taken place during the incumbency of the present incumbent in said position; and
 - 3. That the added duties and responsibilities upon which the reclassification is based could not reasonably have been assigned to any other position; and
 - 4. That the employee occupying a position which has been reclassified shall continue in the position only if he possesses the qualifications of training and experience required for such classification and whose name is on a current and appropriate eligible list.
 - 5. Those individuals who have performed the accretion of new duties and responsibilities over a period of six (6) months immediately preceding the effective date of said reclassification shall be exempt from a written non-competitive examination and awarded the reclassification.
- c. Whenever a position is reclassified from one class to a higher class and the employee does not meet the required minimum qualifications, the incumbent shall not continue performing the duties outside of his class. It is management's responsibility to remove these tasks from the employee's duties. In any case in which an incumbent is ineligible to continue in the position and duties are not removed or the employee is not assigned to another position, the layoff provisions of these rules shall apply. However, every effort will be made to place the employee in a similar or like position.

SECTION 2.5 RIGHTS OF UNCLASSIFIED EMPLOYEES FORMERLY CLASSIFIED

When any regular employee in the classified service, who has been or shall be appointed to any position in the unclassified service, shall later be removed from such position, he shall be reinstated in his former position or a position in the same department of equal rank, service and salary, together with all rights and privileges to which he would have been entitled had he remained in the original position in the classified service. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1117)

SECTION 2.6 CLASS/JOB SPECIFICATIONS

The City Clerk and the Director shall maintain a master set of all approved class specifications. Such class specifications, as approved by the Director and the City Manager, shall constitute the official specifications of the position classification plan. These official specifications are available on the Human Resources intranet site.

- a. **NATURE OF SPECIFICATIONS:** Class specifications are descriptive only and not all inclusive. They are intended to indicate the kinds of positions that are to be assigned to the respective classes as determined by their duties and responsibilities and shall not be held to exclude those duties and responsibilities which are not specifically mentioned, but are similar as to kind and level.
- b. **IMPLIED QUALIFICATIONS:** Qualifications commonly required of all incumbents of positions of different classes, such as the ability to speak, read, and write English, honesty, ethics, sobriety, regular attendance and diligence shall be deemed to be implied as qualification

requirements for each class, even though they are not specifically mentioned in the class specification.

- c. **INTERPRETATION OF CLASS SPECIFICATIONS:** In determining the class to which any position shall be assigned, the class specification for each class shall be considered as a whole. The class specifications are intended to indicate the kinds of positions that are assigned to the classes, as determined by their assigned duties, responsibilities, and specific tasks, and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of any department director to assign, direct, and control the work of employees under his supervision.

SECTION 2.7 USE OF CLASS TITLES

The class title shall be the official title of every position assigned to the class for the purpose of Human Resources actions and shall be used on all payrolls, budget estimates, and official records. Administrative titles or other working titles authorized by a department director may be used to designate any position for purposes of internal administration or in oral or written contacts with the public so long as the working title does not duplicate a class/official title.

RULE 3 COMPENSATION

SECTION 3.1 THE COMPENSATION PLAN

The compensation plan for the classified service shall include:

- a. A schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each pay grade.
- b. A list of classes of positions by occupational group, with the pay grade and minimum and maximum rates of pay shown for each class of positions.
- c. Supplements, amendments, and/or revisions, from time to time, as passed by the City Council.

SECTION 3.2 STANDARDS FOR DETERMINATION OF PAY RANGES

Pay ranges shall be related directly to the position classification plan for the classified service and shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work in the several classes, the recruiting experience of the City, the availability of employees in particular occupational categories, relevant comparative data, employee turnover, cost of living factors, the financial policies and economic considerations of the city. The minimum and maximum rates of pay assigned the several classes of position shall be those which most nearly reflect these factors.

SECTION 3.3 AMENDMENT OF THE COMPENSATION PLAN

Any department director in the municipal service may initiate a written request to the Director or City Manager to amend the pay plan. The Director shall consider the request. The Director shall make comparative salary studies as he deems necessary, or is instructed by the City Manager to make, concerning factors affecting the level of salaries in the municipal service. On the basis of the information derived from such wage and salary studies, the Director shall recommend to the City Manager such changes in the pay plan pertinent to the fairness and adequacy of the over-all compensation program. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1072)

In arriving at such salary recommendation, the Director shall take into consideration the advice and suggestions of department directors and appointing officers as to the duties, degree of responsibility, and working conditions involved. Recommendations made by the Director for the amendment of the compensation plan for specific classes of positions shall be submitted to the City Council by the City Manager. When the intended amendments are passed by the City Council, these amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of positions as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of positions in the municipal services.

It shall be the policy of the City Council either to increase or to reduce the salary or wage rates of all positions in a specific class uniformly, and not to increase the rate of pay of any class beyond the rate in the next higher class, nor to reduce the pay of any class below the rate of pay fixed for the next lower class in the same occupational group or service.

SECTION 3.4 TOTAL REMUNERATION

- a. Any salary rate established for an employee shall be the total remuneration for the employee, not including reimbursement for official travel. Except as otherwise provided in these rules, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him, either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. Provided, however, that nothing contained herein shall be

deemed to prohibit payments to employees pursuant to section A7.13 of the Administrative Code or payments or awards to employees made pursuant to any approved incentive / bonus program approved by the Director.

- b. In any case in which part of the compensation for services in a City position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the county, state, federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1086)

SECTION 3.5 BEGINNING SALARY

Original appointment above the minimum salary rate for a class may be made upon the approval of the department director, subject to the following conditions:

- a. A full reference check must be made by the requisitioning department and fully documented. All documents are to be submitted to the Director with the original request.
- b. The applicant must exceed the educational and experience requirements for the position as set out in official class specification or possess peculiar, hard to obtain experience.
- c. The department is responsible for ensuring internal equity within that job class and among other relevant job classes and complying with applicable employment laws.
- d. If the department director is unable to hire an applicant within the lower fifty percent of the pay range, he may contact the Director to discuss the possibility of hiring the individual at a higher rate.
- e. The department director shall keep a record of all cases of employment above the minimum rate.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1086)

SECTION 3.6 SALARY ADVANCEMENT

If funds are available, salary increases within the appropriate pay grade may be given on an employee's pay anniversary date, in accordance with the pay provisions in effect at that time or as determined by the city manager, if the employee has received an overall rating mark of at least "Meets Expectations" or its equivalent on the last annual employee appraisal report.

Salary Stabilization: The department director must furnish written justification to the Director and the employee who received a rating of at least "Meets Expectations" but was not given a salary increase.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1086)

SECTION 3.7 PAY INCREASES FOR EXCEPTIONAL SERVICE

This policy is intended to recognize exemplary performance of City employees.

- a. Additional pay increases of up to four (4) percent may be granted to recognize exceptional service rendered by non-exempt employees. The department director concerned shall make

increases for exceptional service only after written justification and documentation has been provided to the Director.

- b. Each department shall prepare specific criteria for granting pay increases for exceptional service applicable to the department's work. After completion of the initial probationary period all regular non-exempt employees are eligible for consideration for a pay increase to recognize exceptional service rendered. A pay increase for exceptional service shall not constitute a new pay anniversary date for the employee concerned. Pay increases for exceptional service may not exceed a four (4) percent increase within the pay grade in any 12-month period from award.
- c. The total number of employees awarded may not exceed five (5) percent of the total average number of regular employees eligible for exceptional services increases assigned to a department in any fiscal year. Departments with less than ten (10) non-exempt employees shall be allowed a maximum of one (1) exceptional service increase award each fiscal year.
- d. Department directors shall maintain appropriate records to demonstrate adherence with the above policies and procedures. Pay increases for exceptional service shall be funded out of existing departmental budgets.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1086)

SECTION 3.8 ACCELERATED SALARY ADVANCEMENTS

An increase in compensation, within the limits provided in the pay grade for a class, may be granted at any time by the City Manager. The City Manager, in any given fiscal quarter, shall not grant accelerated salary increases in excess of \$20,000.00, and he shall keep a record of the increases he has granted pursuant to this subsection.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1086)

SECTION 3.9 PAY RATE ADJUSTMENTS

The following Human Resources actions shall affect the pay status of an employee in the manner provided:

- a. **TRANSFER:** When an employee is transferred between departments and divisions of the City or between classes with the same maximum salary rate, the salary rate of the employee will remain unchanged unless it is below the minimum pay rate.
- b. **PROMOTION:** When an employee is promoted to a position in a job classification having a higher maximum salary rate, the salary rate of the promoted employee shall be increased by four (4) percent for each higher pay grade up to a maximum of three grades not to exceed a 12 percent increase or to the minimum of the higher job classification, whichever is greater.
 1. Employees who are within six (6) months of their next pay anniversary date when promoted shall receive a pay increase according to the following:
 - (A) With a one-grade increase, the employee will receive a salary increase not to exceed six (6) percent.
 - (B) With a two-grade increase, the employee will receive a salary increase not to exceed ten (10) percent.
 - (C) With a three-grade increase, the employee will receive a salary increase not to exceed 14 percent.
 2. In the case of a promotion from a non-exempt to an exempt position, the rate of pay of the promoted employee shall be increased by eight (8) percent. Employees within six (6) months of their next pay anniversary date when promoted shall receive a ten (10) percent pay increase.

3. In all cases of promotion, the new rate shall be at least the minimum and not more than the maximum of the new pay grade.
- c. DEMOTION: When an employee moves from one position to a vacant position having a lower maximum rate than the position previously occupied, their compensation is modified as outlined below:
 1. In the case of demotion, the rate of the demoted employee shall be reduced four (4) percent per grade, up to a maximum of three grades or 12 percent.
 2. In the case of demotion in which the employee moves from an exempt position to a non-exempt position, the rate of pay of the demoted employee shall be decreased by eight percent.
 3. In all case the new rate shall be at least the minimum and not more than the maximum of the new pay grade.
- d. SALARY DECREASES: A department director may reduce for cause the salary of an employee within the pay grade prescribed for the class. In the case of a regular employee, notice of intention to effect a reduction in pay and the reasons for such action shall be given to an employee and the Director of Human Resources not less than ten (10) working days prior to the effective date of reduction. A regular status employee whose salary is reduced shall be entitled to a hearing before the Human Resources Board, in accordance with provisions of section 125 of the Charter.

SECTION 3.10 PAY ANNIVERSARY AND EFFECTIVE DATES

Pay anniversary dates for all classified city employees employed subsequent to March 26, 1964, and for all new employees shall be their date of employment. The effective date of any promotion, demotion, or accelerated salary increase shall constitute a new pay anniversary date. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1096).

SECTION 3.11 TEMPORARY ASSIGNMENT OF EMPLOYEES TO HIGHER LEVEL POSITION

Any employee assigned temporarily to work in a regular position in a class with a higher maximum salary than his own shall be compensated as follows:

- a. Nonexempt employees shall be compensated at the minimum rate established for the higher class or five percent (5%) above their current salary, whichever is greater, for work performed more than one workweek of the regularly assigned shift in the higher class.
- b. Exempt employees shall be compensated at the minimum rate established for the higher class or five percent (5%) above their current salary, whichever is greater, for each two-week work period or more of work performed at the higher class.

Any vacant position that requires an employee or employees to work in a higher classification for more than eight (8) weeks will require review and approval by the Director. Where practical, approval should be received prior to the commencement of the assignment.

Where more than one employee is qualified to perform the work of the higher classification, the City strongly encourages the appointing authority to rotate the assignment among all employees considered eligible.

The employee who is temporarily assigned to serve and actually serves in a higher level position must be fully qualified to perform and must be capable of actually performing the full range of duties of the higher level position in order to be eligible for work out-of-class pay.

No employee shall be assigned to a higher level position entitling him to differential pay without the prior approval of the department director.

In order for an employee to receive additional compensation, an appropriate higher level position must be vacant in the work unit (sickness, vacation, actual vacancy, or working out of class of incumbent), and the employee must meet the minimum qualifications for and be able to perform the full range of duties of the higher level position.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1092)

SECTION 3.12 OVERTIME AND COMPENSATORY TIME

All overtime or arrangements for overtime work shall be approved in advance by the department director. Any employee assigned to perform overtime work in excess of the applicable standard workday or standard workweek will be compensated as follows:

- a. Nonexempt employees shall be paid for overtime work at the rate of time and one-half the straight hourly equivalent rate for the assigned position classification. Hours worked in excess of 16 in any work day will be compensated at twice the regularly assigned straight time hourly rate. Employees working a five-day, eight-hour schedule shall be compensated at a rate of two times their regularly assigned straight hourly rate on their seventh consecutive day of work in the employee's workweek. Employees working a four-day, ten-hour schedule shall be compensated at a rate of two times their regularly assigned straight hourly rate on the sixth and seventh consecutive day of work in the employee's workweek.

Employees required to work on a City observed holiday shall receive their holiday pay and time and one-half their regularly assigned straight hourly rate for all hours worked on the observed holiday, up to 8 hours (10 hours for employees working a four-day, ten-hour schedule). Hours worked in excess of 8/10 on an observed holiday will be compensated at twice the regularly assigned straight time hourly rate.

An employee may be granted equivalent compensatory time off in lieu of cash compensation for overtime worked, subject to the following conditions:

1. Compensatory time may be earned and must be used during the fiscal year. Maximum accumulation of compensatory time is 240 hours, such accumulation being determined by multiplying the overtime hours worked by the appropriate factor or combination of factors until the 240-hour maximum is reached.
 2. In that no cash payout of the accumulated compensatory time is intended, all scheduled use of the accumulated time will be completed within a reasonable period, not to exceed two years. Employees may use accumulated compensatory time within a reasonable period after request if such use does not unduly disrupt the operations of the city. While generally the choice of the use of accumulated compensatory time will be mutually agreed upon by the employee and the supervisor, in the event of a conflict, work schedule demands will prevail.
 3. When an employee transfers from one department to another, any outstanding compensatory time balance will transfer to the new department.
 4. Any unused time must be paid out at the higher of the wage at termination or the average of the last two years' salary.
- b. Employees in position classifications that are exempt shall not be paid for overtime work and are not eligible to earn compensatory time. Exempt employees in salary grades ME-D and

below may be granted a bonus of \$250.00 for performing their duties under a declared emergency situation or situations that the city manager deems as immediately essential to the operation of city government. This provision will apply only when hours worked are in excess of 55 in a workweek and conditions do not allow the employee to take equivalent time off. The manager requesting the utilization of this policy must provide a written request documenting the necessity for the payment of the bonus to the exempt employee. Such payment shall be at the recommendation of the department head and will require the approval of the city manager.

Employees considered exempt under FLSA in salary grades ME-E to ME-J may be granted a bonus of \$400.00 for performing their duties under a declared emergency situation or situations that the city manager deems as immediately essential to the operation of city government. This provision will apply only when hours worked are in excess of 55 in a workweek and conditions do not allow the employee to take equivalent time off. The manager requesting the utilization of this policy must provide a written request documenting the necessity for the payment of the bonus to the exempt employee. Such payment shall be at the recommendation of the department head and will require the approval of the city manager.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1088)

SECTION 3.13 SHIFT DIFFERENTIAL

Classified non-exempt employees will receive the following shift differential:

- a. \$0.70 per hour for shifts beginning between 2:00 p.m. through 8:59 p.m.
- b. \$0.80 per hour for shifts beginning between 9:00 p.m. through 3:59 a.m.

This shift differential shall also apply to employees who work eligible shifts outside their normal schedule and, further, the City agrees to not change an employee's schedule to avoid payment of this differential. The differential will be paid only one such shift per workday.

SECTION 3.14 CALL BACK TIME

Whenever a non-exempt employee is called back on an emergency or for any reason to work after his regular working hours and after he has left his last work site, the employee shall receive a minimum of four (4) hours of work at the rate of time and one-half unless the employee requests and is granted permission to leave prior to the expiration of the four (4) hours. If the employee requests and is granted permission to leave prior to the completion of four (4) hours, then the employee will only receive payment at the rate of time and one-half for the hours worked. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1088)

An operational emergency means any situation or incident that in the opinion of the Department Director or City Manager requires the unscheduled services of an employee or employees to protect the health, welfare or safety of the community.

SECTION 3.15 SPOT AWARDS

The City of Kansas City, Missouri recognizes that at various times throughout the year, employees may demonstrate an extraordinary dedication that far exceeds one's normal duties. For example, working extended hours/weekends/holidays, significant achievements within peer/professional organizations, extraordinary project/assignment accomplishments that can lead to contributing directly to expediting the City's goals and objectives and/or making a lasting improvement to the City's delivery systems. Recognizing this, the City of Kansas City desires to provide an immediate monetary or non-cash recognition through a Spot Awards Program. These awards are taxable.

Monetary payments made under this program shall be funded within each department's allocated budget. No additional funding shall be provided to departments.

The Spot Awards Program is an award program to be used solely at the discretion of the Department Director. Most City employees performing work on behalf of the City are eligible for a Spot Award as long as they meet the outlined criteria and are recognized by the Department Director as doing such.

Examples of behavior eligible for Spot Awards include but are not limited to the following:

- Working on the weekend to complete authorized assignments where the early completion benefits the constituents of Kansas City, Missouri.
- Employees who are exempt from certain overtime provisions of the FLSA, and are consistently working beyond 40 hours in a week to complete a delegated assignment that resides outside the normal scope of work.
- Volunteering to be responsible for new processes/policies/procedures implemented by the City.
- Successful publishing of an article in a peer/professional journal or magazine.
- Publishing of a thesis/paper/policy to peer/professional organizations.
- Recognition by a peer/professional for service to the profession.
- Negotiating a cost savings plan on behalf of the City as it enters into a contract.
- Developing and implementing a delivery system process improvement that results in either a time or cost savings for the citizens of Kansas City, Missouri.

Supervisors can provide recommendations for a Spot Award but the Department Director is under no obligation to follow said recommendations.

Employees are eligible immediately upon hire and become ineligible immediately upon termination.

There is no limit on the number of Spot Awards an employee can receive while the program is still in effect.

Unclassified personnel and Contract employees are ineligible for the Spot Awards Program.

Procedure for issuing Spot Awards:

1. Department Directors will use identified funding to purchase movie tickets, gift certificates, concert tickets, special event passes, movie/game rentals, cash and/or comparable monetary value products on an interim basis to distribute to employees "on the Spot" when they meet the above criteria as interpreted by the Department Director.
2. Spot Awards distributed by the Department Directors to eligible employees are not to exceed a total dollar value of \$250 U.S. dollars per award.
3. Department Directors must keep Spot Awards holding a monetary value in a secure location using a lock and key to control access.
4. Department Directors reserve the right to delegate Spot Award authority to her/his designee.
5. Department Directors will not distribute Spot Awards in a manner that violates any Federal, State, or Local laws governing discrimination. These awards are taxable under the IRS code.

The Director reserves the right to review the Spot Awards Program at any time to evaluate compliance with aforementioned rules and regulations. Should the Director deem the Spot Awards Program out of compliance, he has the right to terminate the program.

RULE 4 APPLICATIONS AND APPLICANTS

SECTION 4.1 JOB ANNOUNCEMENT

Notice of all vacancies in the classified service will be published by posting weekly announcements on the Human Resources Department official bulletin boards (8th and 12th floor of City Hall), the City's website, and in such other places as the Director deems advisable and locations delegated under authority of department directors. The announcements shall specify the class title and salary of the class for which the examination is announced; the minimum qualifications required; the time, place and manner of submitting application; the application deadline date; and other pertinent information.

SECTION 4.2 OFFICIAL APPLICATION FORM

Official application forms are required for all positions filled by the City of Kansas City, Missouri. This includes full-time, part-time, seasonal, limited-term contract and like positions.

Various documents may be submitted on or prior to the application deadline date. However, all official applications shall be made on forms prescribed by the Director and shall be filed with the Human Resources Department on or prior to the application deadline date specified in the announcement. Applications require information concerning characteristics that include: education, experience, references, and other pertinent information. All official applications shall be signed by the applicant and the truth of the statements contained on the application shall constitute agreement that he may be terminated for making false statements on the official application. The Director shall require such verification and proof of minimum age requirements, education, experience, and other claims as used to determine the applicant's eligibility.

Departments should make sure selected candidates for limited-term contract and like positions meet the minimum education and experience requirement advertised as provided by the selecting department. Candidates who do not meet the advertised minimum education and experience requirement will result in the department's inability to hire the candidate for the position.

Current City employees may submit applications for any classified position at any time. If the position is not currently posted, the City employee's application will be maintained in the Human Resources Department until such position is posted, not to exceed two (2) years, at which time the application will be reviewed for eligibility. City employees who have not completed their initial six (6) month probationary period cannot be considered for examination until they have successfully completed such probationary period.

Once the application form is submitted to the Human Resources Department, applicants no longer have access to such application without approval from a Human Resources representative. Applications, whether accepted or rejected, shall remain on file and shall not be returned. It is the applicant's responsibility to maintain a copy of application forms filed. No copies will be made upon request unless agreed upon in a separate formal agreement.

SECTION 4.3 UNLAWFUL ACTS PROHIBITED

- a. No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment, held or made under these rules, ordinance, or the City Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such Human Resources provisions or the rules and regulations made there under.
- b. No person seeking appointment to, or promotion within, the classified service shall either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, proposed appointment, promotion or proposed promotion.

- c. No employee of the Human Resources Department, examiner or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

SECTION 4.4 DISQUALIFICATION

The Director may refuse to qualify and/or examine an applicant/employee or, after examination or certification/appointment, may disqualify such applicant/employee, remove his name from an eligible list, refuse to certify him, or may consult with the appointing authority in taking steps to remove such person already appointed if the applicant or appointee:

- a. Does not meet the requirements established for the pertinent class.
- b. Is unable to perform the essential job functions of the job classification.
- c. Has either refused to submit or has failed a pre-employment drug test in the previous twelve (12) months.
- d. Has made a false statement or omission of material fact in his official application.
- e. Has used or attempted to use political pressure or bribery to secure an advantage in the examination.
- f. Has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled.
- g. Has failed to submit his official application correctly or by the application deadline date.
- h. Has taken part in the compilation, administration, or correction of the examination for which he is an applicant.
- i. Has previously been dismissed from a position in the municipal service for misconduct
- j. Has established an unsatisfactory employment or personnel record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
- k. Has taken for another or allowed another to take for him all or part of any examination, or has been found cheating in any other way on an examination.
- l. Has committed any other acts which have been found to obstruct a fair and equitable selection process.
- m. Has active warrants.
- n. Has otherwise willfully violated the provisions of this rule.
- o. Makes a statement that he is not willing to accept appointment.
- p. Fails to report for duty within the time prescribed by the department director.
- q. Has reached expiration of his term of eligibility.
- r. Fails to maintain a record of current address with the Human Resources Department. For this purpose, the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such action.
- s. In the case of promotional lists, upon termination of municipal service.
- t. Change of minimum qualifications for the class.
- u. Fails to appear for the scheduled employment interview or any step of the selection process.
- v. Any cause specified in Disqualification Section or for conviction record.

Whenever an application is rejected, notice of such rejection shall be given to the applicant. Applicants are entitled to know whether employment was denied or terminated based upon the information obtained and to receive, upon written request, a copy of the report from the Human Resources Department.

SECTION 4.5 DISQUALIFICATION BY REASON OF CONVICTION RECORD

The City conducts background checks for all candidates being considered for employment.

A criminal background checks (CBC) serves as an important part of the selection process to help determine an applicant's overall employability and to promote a safe work environment. All candidates shall be reviewed for convictions that would preclude them from hire in future job assignments or department. Certain job classifications may require stricter scrutiny based on job duties, such as the entry into a person's home, the care of public trust and security, or the transport or handling of money.

All candidates for hire, as well as any person performing work/services on behalf of the City as a volunteer, board member, unpaid intern or similar capacity (applicant), are subject to a CBC. The Human Resources Department may investigate to determine if the applicant's conviction record should disqualify the applicant from consideration for a particular position. All applicants who have been convicted of three (3) or more misdemeanors or violations of ordinances, except non-moving traffic violations, within the last three (3) years, or convicted of a felony and have not received a pardon, restoration of civil rights, or certificate from the court attesting that they were a juvenile at the time of conviction; or any other convictions not specified herein may also be designated by the Director of Human Resources, as may be appropriate for the job in question shall not be appointed to any position until their application and, if necessary, supplemental information has been reviewed and approved by the Human Resources Committee. In certain instances, the applicant is required to produce a copy of his police and/or court records from the appropriate City/State/Federal jurisdictional agency. For example, an applicant from out-of-state may be required to produce a police/court record from that state.

The Human Resources Committee has the sole authority to make rulings on an applicant's fitness for employment. However, generally, the criteria used for determinations include:

- The nature of the position for which the candidate applied
- Completion of the sentence, including parole or probation
- The nature and gravity of the crime (s)
- The time that has passed since the conviction and/or completion of the sentence
- The number of convictions
- Work history, if relevant

Applicants are entitled to know whether employment, volunteer assignment, board appointment, internship or similar capacity was denied or terminated based upon the information obtained. Upon written request, applicants may receive a copy of the report from the Human Resources Department.

SECTION 4.6 REVIEW OF HUMAN RESOURCES COMMITTEE DETERMINATIONS

Applicants who have been disqualified due to their conviction record may request a review of their disqualification. The request for review must be submitted, in writing, to the Director of Human Resources within 14 calendar days from the date of the notification of the disqualification. The request for review must contain the reason(s) the applicant believes he should not be disqualified.

SECTION 4.7 AGE REQUIREMENTS

The Director shall fix, where appropriate, age limits for any examination or particular work by giving notice of such limits in the appropriate examination announcement.
(Charter, Article V. Sec. 116)

RULE 5 EXAMINATIONS

SECTION 5.1 ELIGIBILITY TO COMPETE IN EXAMINATION:

- a. **COMPETITIVE EXAMINATIONS:** Examinations designed to establish eligible lists shall be open to any person who may be lawfully appointed to a position in the job classification concerned, has submitted an application on or before the application deadline date, and who appears to meet the qualifications and other requirements for the job classification as set forth in the examination announcement.
- b. **PROMOTIONAL/INTERNAL EXAMINATIONS:** Promotional examinations shall be open to any regular employee in the classified service who has successfully completed his initial (6) six month probationary period, submitted an application on or before the application deadline date, and who meets the established qualifications.

SECTION 5.2 ADMISSION TO WRITTEN EXAMINATIONS:

Persons, who submit applications on or before the specified time for filing, and whose applications show clearly that the applicants meet the requirements for admission to the examination as specified in the official announcement, shall be admitted to compete in the examination. When doubt exists as to whether an applicant meets the requirements for admission to an examination, the Human Resources Director may authorize conditional admission to the examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the satisfaction of the Director. Each applicant, whose application has been accepted for any examination, shall be notified of the date, time, and place of the examination. No person shall be permitted to take any examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application.

SECTION 5.3 CHARACTER OF EXAMINATIONS

- a. **COMPETITIVE EXAMINATIONS:** Each examination shall be deemed to be a valid and reliable instrument by the Director prior to its use. Examinations shall relate to those matters which fairly test the aptitude, capacity and fitness of the persons examined to perform the duties of the position for which they have applied. Examinations may be assembled or unassembled and may include written, verbal, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications or attributes which in the judgment of the Director enter into the determination of the relative fitness of applicants. If reasonable accommodations are necessary, the Director will make every effort to provide for such requests.
- b. **PROMOTIONAL EXAMINATIONS:** Promotional examinations shall be of kind and character similar to those for original appointment to the service.
- c. **NONCOMPETITIVE EXAMINATIONS:** The Director may conduct a noncompetitive examination to establish eligibility for appointment to a higher class in the case of a regular employee whose position is reclassified in recognition of a gradual change and/or increase in his duties and responsibilities.
- d. **OPEN CONTINUOUS EXAMINATIONS:** When it is necessary to meet continued requirements for filling positions and a sufficient number of applicants for a class is unavailable, applicants for any examination may be tested continuously in such manner and at such times and places as the Director may provide. The Director may set the closing date for any open continuous examination at any time.
- e. **SIMPLIFIED EXAMINATION PROCEDURE:** For positions involving unskilled labor, attendant, or custodial work, when the character or conditions of employment make it

impracticable to supply the needs by the procedures prescribed above, the Director may adopt or authorize the use of such other procedures as he determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms and techniques as the Director may require.

SECTION 5.4 EXAMINATION ADMINISTRATION

Examinations shall be announced and held at such times and places, as, in the judgment of the Director, most nearly meet the needs of the service. The tests shall be conducted either by the Director or by persons designated by him.

SECTION 5.5 PERFORMANCE TESTS

Departments have the ability to develop and conduct tests in addition to screenings by Human Resources in an effort to measure the applicant's ability to perform the essential functions of the position. Such tests must be approved by the Department of Human Resources prior to implementation.

SECTION 5.6 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

In the event a sufficient number of qualified applicants have not made application for any examination, the Director may postpone the last filing date and the date of the examination and shall in such cases give written notice to the applicants and department directors concerned. In the event significant changes occur to the minimum qualifications for the examination, the Director may cancel such posting of the examination and shall in such cases give written notice to the applicants and department directors concerned.

SECTION 5.7 EXAMINATION DEVELOPMENT

In the development of examinations, the Director may confer with the department directors concerned and with others skilled in or familiar with work requirements to be tested. The Director may also select individuals to serve as examiners. Final test material shall be known only to the Director and to employees of the Human Resources Department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in the examination process.

SECTION 5.8 RATING OF EXAMINATIONS

Sound measurement techniques and procedures shall be used in rating the results of examinations and determining the relative standings of the competitors. In all examinations the minimum ratings by which eligibility may be achieved shall be set by the Director. The final examination score may be based on all factors of the examination including educational requirements, experience, and other pertinent information. The final earned rating of each competitor shall be determined by computing the earned ratings on each part of the examination in accordance with the weights established for each part. All competitors may be required to obtain at least a minimum rating in each or any part of the examination in order to receive a final passing score or to be allowed to participate in the remaining parts of the examination.

The results of examinations of competitors who fail to qualify as eligible for the job classification for which the examinations were taken, may, with the approval of the Director, be rated with reference to their eligibility for a lower job classification in that job series for which an examination is in process, if the competitors have signified their willingness to accept appointments to positions in such lower job classification. Applicants eligible for a given class may be certified to a lower position in the same job classification series if they signify their willingness to accept an appointment to a position in the lower job classification.

When a rating of training and experience form a part of the examination, the Director shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best-qualified candidates. The procedures shall take into consideration the quality, recency, and amount of experience, and the pertinence, quality, and amount of education.

SECTION 5.9 NOTIFICATION OF EXAMINATION RESULTS:

Each person competing in an examination shall be given notice of their final rating on the eligible list or of their failure to obtain a place on the list. Within ten (10) days after receiving notice of his rating, any competitor and/or his authorized agent may inspect his examination papers and have his rating reviewed and corrected if an error has been made. No such correction so made shall invalidate any appointment previously made from the list. Inspection of an applicant's examination papers shall be limited to the applicant and the department designee to whom the eligible list has been certified for appointment. Such inspection shall be provided only during regular business hours in the offices of the Human Resources Department.

SECTION 5.10 MEDICAL EXAMINATIONS

The Director may determine by medical examinations whether applicants or employees meet the minimum physical requirements of the position. All applicants eligible for positions which require a pre-employment drug screen and/or post offer physical must pass all required medical examinations to be eligible for hire.

Any employee who is promoted, demoted or otherwise makes a classification change from a position that does not require a medical examination to a position that requires a medical examination, shall submit to a drug screen and/or physical examination as a condition of such placement. The employee must pass all required medical examinations to be eligible for placement.

SECTION 5.11 COMPENSATION FOR CITY EXAMINATIONS & INTERVIEWS

Any regular full-time employee who requests and is granted approved leave from work to take a city-sponsored examination or interview shall be compensated in the following manner:

- a. Employees will be paid for any absence needed for an examination or interview for a position that would constitute a promotion.
- b. Employees may be assessed vacation or compensatory time for any absence needed for an examination or interview for a position which would constitute a demotion or no change in pay range or, if no vacation or compensatory time is available, at the discretion of the supervisor, excused dock may be used.

Requests must be made at least twenty-four hours in advance. Such requests shall be granted except for, in the opinion of the supervisor, operational needs may be hindered.

RULE 6 ELIGIBLE LISTS

SECTION 6.1 ELIGIBLE LISTS

Eligible lists are established or supplemented for all merit system positions and, as directed, for unclassified positions. Hiring departments are strongly urged to give preference to internal candidates (current City employees) when filling vacancies. Receiving certified internal, or promotional, eligible lists will be recommended by Human Resources Department staff when requests are received for eligible lists for positions on a clear promotional track for current City employees. Departments should make every attempt possible to fill vacancies through promotion before considering external candidates unless approval has been given by the Director.

SECTION 6.2 ORDER OF NAMES ON OPEN OR PROMOTIONAL LISTS

Candidates obtaining a passing score in any open or promotional examination shall have their names placed on the list for the job classification for which they are examined in order of their final earned rating. In the case of a tie in final ratings, names shall be placed on the list in order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names in the order in which the applications were received, and any further ties shall be broken by arranging names alphabetically with last names first.

The names of non-resident applicants shall be placed at the bottom of the eligible list in order of their scores for the examination.

SECTION 6.3 REEMPLOYMENT RIGHTS

Regular and seasonal employees whose last overall performance appraisal was at least “Meets Expectations” or equivalent and who separate in good standing from the City shall, at their request, be placed on the eligible list of the job classification they previously held where they have successfully completed the required probationary period. The former employee must also meet the current minimum qualifications for the position. This placement will coincide with the order of their grade on the examination. The eligibility of all candidates for reemployment rights shall expire two (2) years from the date of their last resignation or expiration of leave of absence from the City. Those employees who resign in lieu of termination may not be eligible for these rights. Reemployment rights include lower level positions within that job series.

(City Ordinance, Chapter 2, Article VIII, Sec. 2-1107)

Employees who do not complete their initial six (6) month probationary period but who separated or resigned in good standing, shall at their written request have their name returned to the eligible list from which they were appointed. This placement will coincide with the order of their grade on the examination. The eligibility of all candidates for reemployment shall expire with the expiration of the current eligible list. After thirty (30) calendar days of separation from the City, a former employee must complete and submit a new official application for approval to the Human Resources Department.

SECTION 6.4 VETERANS PREFERENCE

Hiring preference shall be given to each eligible applicant for initial appointment who was discharged under honorable conditions from the United States Armed Forces who have served for a period of six (6) months or longer or who were disabled during their service in a qualifying period. For these purposes, qualifying periods of war include, but are not limited to: World War II, Korean War, Vietnam War, both Iraq Wars and the War in Afghanistan.

Veterans who have received honorable wounds and disabilities are entitled to a higher preference. No veteran’s preference is given on promotional opportunities.

SECTION 6.5 DURATION OF OPEN OR PROMOTIONAL LISTS

The duration of promotional lists shall normally be one (1) year and the duration of open lists shall normally be six (6) months from the date of its establishment, but this period may be reduced or extended by the Director when it is deemed to be in the best interest of the city. However, in no case shall the name of an eligible remain on any list for a period greater than two (2) years. If an eligible list is canceled prior to its stated expiration all persons on the eligible list will be notified in writing as to the date of cancellation of the list.

SECTION 6.6 COMPARABLE LISTS

If a vacancy exists in a job classification for which there is no existing list, the Director may prepare an appropriate list for the job classification from one or more existing related lists. For this purpose, the Director shall select lists from job classifications for which the examinations, qualifications, and the salary ranges are similar to those required for the job classification in which the vacancy exists.

SECTION 6.7 RESPONSIBILITY OF ELIGIBLE CANDIDATES

It shall be the responsibility of eligible candidates to notify the Human Resources Department in writing of any changes in address or other changes affecting availability for employment. However, the Director may circulate lists or use other methods to determine at any time the availability of eligible candidates. Whenever an eligible candidate submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from all certifications which do not meet the conditions he has specified. An eligible candidate may file a new written statement within the duration of an eligible list modifying any prior statement as to conditions under which he will be available for employment.

RULE 7 CERTIFICATION AND APPOINTMENT

SECTION 7.1 VACANCIES

All vacancies in the classified service shall be filled by promotion, transfer, reemployment, demotion, or original appointment as provided in these rules. When a vacancy in the classified service is to be filled, the department director shall submit a job opening request for each vacancy to the Human Resources Director. This job opening request shall state the job classification title and other appropriate information. The names of eligible applicants shall be certified in strict order of standing on the list, except in cases where the Director has determined there is good reason for certification of eligible applicants with special qualifications. In the latter case, eligible applicants meeting the special qualifications shall be certified in the order of their standing on the list.

SECTION 7.2 APPOINTMENTS

- a. **REGULAR, PART-TIME, AND SEASONAL POSITIONS:** Appointments to fill vacancies in regular, part-time, and seasonal positions shall only be made following certification from an open or promotional eligible list.
- b. **PROVISIONAL APPOINTMENTS:** When there is no appropriate list available, or when there is not a sufficient number of persons on appropriate lists who are willing to accept appointment, the Director may authorize the provisional appointment of a person meeting the established minimum qualifications for the job classification to which the position is allocated. Any such provisional appointment shall terminate not later than ten (10) days after the Director establishes an appropriate list and certifies available eligible candidates for the position from this list. Any time served by an employee under a provisional appointment shall not constitute a part of or be deducted from the probationary period if the employee is subsequently appointed from a list to the same or another position. Provisional appointments shall be limited to 60 calendar days in duration.
- c. **EMERGENCY APPOINTMENTS:** In the case of an emergency which could not have been foreseen, such as but not limited to a flood, tornado, or blizzard, which requires the immediate employment of one or more persons to prevent serious impairment of the public business and for which it is not practicable to secure the needed person or persons by certification from an eligible list in time to meet the emergency, an appointing authority may appoint any qualified person during such emergency for a period not exceeding 30 days. For this purpose, qualified shall mean the person meets the minimum education and/or experience required for the position. The Director shall have the right to make such investigation as he deems necessary to determine whether an emergency actually exists, and his decision, as approved by the City Manager, shall be final so far as the auditing and disbursing officers are concerned. In no case shall successive emergency appointments be made.

SECTION 7.3 WORK FORCE CHANGES

Positions may be filled in a number of ways. Movement from one department to another must be approved by the requisitioning department, and the employee concerned.

- a. **Promotion** - The advancement from a position in one job classification to a position in another job classification having a higher maximum salary rate. The relinquishing department may delay the promotion one (1) pay period not to exceed three (3) weeks.
- b. **Lateral Transfer** – The movement of an employee from one position to another position within the same job classification. This includes shift changes within a department, division or section. The relinquishing department may delay the transfer to the beginning of the next pay period but not to exceed 60 days.

- c. Transfer – The movement of an employee from one job classification to a different job classification having the same pay range, similar duties and similar job qualifications. The relinquishing department may delay the transfer to the beginning of the next pay period not to exceed 60 days.
- d. Alternative Career Track – The movement of an employee from one job classification to another job classification having the same or lower maximum salary rate, and having significantly different duties and/or qualifications as determined by the Human Resources Department. The relinquishing department may delay the transfer to the beginning of the next pay period not to exceed 60 days.
- e. Demotion – The movement from a position in one job classification to a position in another job classification having a lower maximum salary rate. The relinquishing department may delay the demotion one (1) pay period not to exceed three (3) weeks.

SECTION 7.4 ELIGIBILITY FOR APPOINTMENT

An employee must receive an Overall Performance Appraisal rating of at least MEETS EXPECTATIONS on his most recent Performance Appraisal in order to be eligible for a promotion, lateral transfer, transfer, or alternative career track appointment.

An employee receiving an Overall Performance Appraisal rating of FAILS TO MEET EXPECTATIONS on his most recent Performance Appraisal may accept a demotion within his same job classification series. However, the employee will still be on a Special 90-day Performance Appraisal period (non-exempt) or Special Performance Appraisal period (exempt) and must be re-rated prior to the completion of the appraisal period. (See Section 10.6)

SECTION 7.5 APPOINTMENT FORMS

No duly appointed employee may begin working until all appointment and other forms have been properly completed and approved by the Director.

SECTION 7.6 RESIDENCE (DOMICILE) REQUIREMENTS

All applicants for employment may be required to be residents of and domiciled in the city of Kansas City, Missouri. Preference for employment shall be given to residents of the city for all positions in the classified service. The Director may grant a waiver of residence for those classes which require peculiar skills or education and which cannot be filled due to the absence of qualified residents. All applicants for which residence waivers are granted must agree in writing to move into the City limits within nine (9) months from the first day of work. Persons who at the time the nine months expires have entered into a contract to purchase a residence for their use and who are prepared to move in within a reasonable time not to exceed six-months may be deemed to have met this requirement. Applicants whose employment with the City will require that they work outside the city at least seventy-five percent (75%) of the time are not subject to this requirement.

(City Ordinance, Chapter 2, Article VII, Sec. 2-972)

SECTION 7.7 NEPOTISM

Relatives of City employees may be employed at the City; however, all applicants will be considered on the basis of his qualifications, skills and ability to perform the required work.

An appointing authority, or any person who exercises jurisdiction or control over an appointing authority, shall not:

- a. Advocate for or appoint, employ, supervise (directly or indirectly), promote or advance his relative in or to any position in the classified service, or otherwise participate in the selection/hiring process.

- b. Appoint, employ, supervise, either directly or indirectly, or promote or advance a relative of any appointing authority if such action has been advocated in violation of this rule.

Relative is defined, for the purpose of this rule, as any relative within the fourth degree, either by blood relationship or marriage. For the purposes of this section, step and in-law relations are considered equivalent to full blood relations.

First degree – child, parents, spouse

Second degree – grandchild, brother/sister, grandparents

Third degree - great grandchild, niece/nephew, aunt/uncle, great grandparents

Fourth Degree – great-great grandchild, grandniece/nephew, first cousin, great aunt/uncle, great-great grandparents

It shall be the supervisor/appointing authority's responsibility to disclose any familiar relationships under this section to the appropriate authority. Each department director is responsible for his department's compliance with and adherence to this rule.

RULE 8 PROBATIONARY PERIODS

SECTION 8.1 PURPOSE

The probationary period shall be an integral part of the examination process and shall be utilized by the department director as an opportunity to observe an employee's work, to train and aid the new employee in adjustment to his new position, and to reject any employee whose work performance fails to meet required work standards.

SECTION 8.2 INITIAL PROBATIONARY PERIOD

All initial appointments shall be tentative and subject to a probationary period not to exceed six (6) months.

SECTION 8.3 PROMOTION/DEMOTION PROBATIONARY PERIOD

All promotions, demotions, and alternative career track appointments shall be subject to a probationary period of up to six (6) months of actual service, unless a longer period has been approved by the Director of Human Resources. Any interruption of service, except for required military training purposes, during the probationary period may not be counted as part of the probationary period. The employee must be notified in writing of any extensions of his probationary period prior to the conclusion of the probationary period.

SECTION 8.4 SPECIAL PROBATIONARY PERIOD

Any employee, who receives an Overall rating mark of FAILS TO MEET EXPECTATIONS (or equivalent) on his annual or a Special Performance Appraisal, shall be subject to a probationary period and re-rated within the following timelines:

- a. Non-exempt - 90 calendar days
- b. Exempt – 12 months

SECTION 8.5 TRANSFER DURING INITIAL PROBATIONARY PERIOD

Any newly appointed, regular, full-time employee who has not successfully completed his initial probationary period will not be eligible, or considered for a lateral transfer, demotion, alternative career track transfer or promotional appointment.

SECTION 8.6 TRANSFER DURING SPECIAL PROBATIONARY PERIOD

Any employee whose most recent employee performance appraisal report contained an overall rating mark of FAILS TO MEET EXPECTATIONS (or its equivalent) shall not be eligible, or considered for a voluntary lateral transfer, alternative career track transfer or promotional appointment.

SECTION 8.7 INITIAL PROBATIONARY PERIOD FOR PART-TIME EMPLOYEES

An employee initially appointed to a part-time position who moves to a regular, full-time position with no break in service, shall not be required to serve an additional six (6) month initial probationary period.

If the employee moves to a regular, full-time position prior to working six (6) months in the initial part-time appointment, he shall serve the remainder of their initial probationary period in the full-time position.

SECTION 8.8 INITIAL PROBATIONARY PERIOD FOR SEASONAL EMPLOYEES

The continuous period of employment for an employee appointed to a seasonal position shall not exceed six (6) months. An employee initially appointed to a seasonal position who moves to a regular, full or part-time position with no break in service prior to the expiration of their six (6) month appointment, shall serve the remainder of their initial probationary period in the new position.

SECTION 8.9 RESIGNATION OR DISMISSAL DURING INITIAL PROBATIONARY PERIOD

At any time during the initial probationary period, an employee whose performance/behavior does not meet the required standards may be dismissed by an appointing authority. The appointing authority must provide the reasons for the dismissal in writing to the Director and the employee. Any employee who resigns or is dismissed during his initial probationary period, and who is subsequently reemployed shall commence a new probationary period.

SECTION 8.10 LAYOFF DURING INITIAL PROBATIONARY PERIOD

At any time during the initial probationary period, when an employee is about to be laid off because of a reduction in force, the appointing authority may demote such employee in lieu of the layoff. In order for an employee to be considered for such a demotion, work must be available in a lower or different job classification and the employee must meet the minimum qualifications of the job classification.

The name of the demoted employee shall, upon his request in writing, be restored to the eligible list from which it was removed at the time of appointment, in order of his original score. The initial probationary period of an employee demoted in lieu of layoff shall include the period of probation in the higher job classification. No demotion of this kind shall be made if it will result in the separation of any other employee with longer service.

SECTION 8.11 NOTIFICATION OF END OF PROBATIONARY PERIOD

Prior to the expiration of an employee's probationary period the department director shall notify the Director whether the employee will continue in his position by submitting a probationary Performance Appraisal. A copy of the performance appraisal shall be given to the employee by the department director. The employee must receive an overall performance appraisal rating mark of at least MEETS EXPECTATIONS (or equivalent) on his probationary Performance Appraisal to continue to remain in his position. An employee who does not receive a probationary Performance Appraisal by the expiration of his probationary period shall be considered to have successfully completed his probationary period.

If an employee receives an overall rating mark of FAILS TO MEET EXPECTATIONS (or equivalent) on his probationary Performance Appraisal, the following shall apply:

- a. Initial six (6) months – The employee shall be dismissed.
- b. Promotions and Alternative Career Track Appointments – The employee shall be reinstated in his former or similar position with the same pay and anniversary date prior to his promotion.
- c. Demotions - The employee shall be placed on a Special Performance Appraisal period and re-rated within the following timelines:
 1. Non-exempt - 90 calendar days
 2. Exempt – 12 months

SECTION 8.12 APPEAL RIGHTS OF PROBATIONARY EMPLOYEES

An employee who is demoted, rejected, or dismissed during the initial probationary period does not have the right to appeal to the Human Resources Board or Department of Human Resources against such action.

An employee who receives a Performance Appraisal with an overall rating mark of FAILS TO MEET EXPECTATIONS (or equivalent) during or at the end of his probationary period does not have the right to appeal such action.

RULE 9 BENEFITS

SECTION 9.1 RETIREMENT PLANS

All full-time permanent employees, with limited exceptions, participate in a retirement (pension) plan. Contact the Retirement Division of Human Resources for more information regarding specific retirement plans.

SECTION 9.2 CAFETERIA PLANS

The City adopted a 'Cafeteria Plan' on June 25, 1989 that is governed by Sections 79, 125 and 129 of the Internal Revenue Code. The Plan saves employees money by deducting qualified contributions from salary prior to calculating taxes. Regulations include strict rules about enrollment, changes and terminations. A summary of the plan or a complete copy of the Cafeteria Plan Document is available from the Benefits Office.

SECTION 9.3 BENEFIT OPTIONS

The City offers employees a variety of voluntary benefits including, but not limited to: health, dental, vision, life, flexible spending accounts, deferred compensation, long term care, and short/long term disability insurance plans. Dependents eligible for coverage under the health, dental, vision and life insurance plans are spouses, children under the age of 27, disabled dependent children of any age, a certified domestic partner and the dependent children of a certified domestic partner. City contribution to the cost of the plans is determined by the City Council.

SECTION 9.4 COBRA

Federal law requires that employees and their covered dependents have the opportunity for a temporary extension of health and dental insurance coverage and medical spending account at group rates in certain instances where coverage under the plan would otherwise end. The employee or a family member has the responsibility to notify the Benefits Office of a divorce, legal separation, or a child losing dependent status under the City's group plans no later than 30 days after the last day of the month in which a qualifying event causing loss of coverage occurred. Under normal circumstances a terminated employee is entitled to 18 months of continued coverage and dependents 36 months. Registered domestic partners and their children are ineligible for COBRA. A complete list of qualifying events and procedures is available through the Benefits Office.

SECTION 9.5 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

In accordance with Federal Guidelines, this policy guards against the misuse of protected health information. *(See Appendix E)*

SECTION 9.6 EDUCATIONAL ASSISTANCE

All regular full-time employees are encouraged to take advantage of educational and vocational courses which will help improve their performance in their current position and better prepare them for promotion to related and higher level positions in the municipal service. When funds are available, application requests for education assistance should be made in accordance with AR 2-04. Any employee who leaves City employment within one (1) year of receiving tuition reimbursement must repay the City that amount reimbursed in the previous 12 months.

SECTION 9.7 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City provides an Employee Assistance Program contracted through the Human Resources Department. This benefit provides employees with free confidential, professional, short-term counseling and referrals. For more information on this benefit, please contact the City's Employee Assistance Program provider.

The City will not pay for treatment for drug, alcohol, or psychological problems. The EAP will assist the employee in attempting to find treatment that is covered by health insurance, or is otherwise affordable to the employee.

SECTION 9.8 EMPLOYEE LEAVE

- a. **COMMUNITY PARTNERSHIP INITIATIVE** - Full-time employees may be allowed a maximum of eight (8) hours paid leave each fiscal year to volunteer with area schools, including those of their children, or to volunteer with one of the City's approved Combined Charity organizations. The employee must timely request this leave and leave shall be granted only when it will not cause undue or unnecessary imbalances in staffing levels. *(See Appendix J)*
- b. **EMERGENCY LEAVE (OFFICIALLY DECLARED)** - When the Mayor or City Manager declares inclement weather, a disaster, or any other similar occurrence an official emergency, employees are still covered by their work rules. However, during such a declared emergency, employees unable to reach their assigned work station may use compensatory or vacation time for the time lost from work or may make individual arrangements with their supervisor to make up the time lost from work.
- c. **EXTRA VACATION DAYS (FREE DAYS)** - Full-time regular employees who have completed six (6) months of service with the City may take two extra vacation days per calendar year in addition to their regular vacation. Each extra vacation day is to be a scheduled vacation day taken with the approval of the employee's supervisor. Each extra vacation day must be used for a full work shift and shall not be taken in partial day increments. To receive pay for an extra vacation day it must be taken in the calendar year in which it was granted and cannot be accumulated. If an employee fails to use an extra vacation day in the calendar year in which it was awarded the extra vacation day is forfeited. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1099)
- d. **FAMILY MEDICAL LEAVE** - Qualified City employees may be eligible for Family and Medical Leave (FML) for up to twelve (12) workweeks per calendar year. FML may be comprised of paid and/or unpaid leave. *(See Appendix G)*
- e. **FUNERAL/BEREAVEMENT LEAVE** - Emergency paid leave will be granted for a maximum of three (3) working days to all full-time employees. All funeral/bereavement leave must be used after the death, but no later than one week from the date of the funeral. If additional time off beyond three (3) days is needed, it must be requested and approved by the Department Director. Such additional leave shall be charged against the employee's accumulated leave (or dock if such leave is exhausted). If extended travel is required to attend the funeral such leave may extend up to two (2) days beyond the funeral and will be charged against accumulated leave after advance notice to the Department Director.

Immediate family is defined, for the purpose of this rule, as spouse, son, daughter, foster child placed through an official government agency, parent, brother, sister, grandparent, grandchild, approved domestic partner, or the approved domestic partner's son or daughter. For the

purposes of this section, step and in-law relations are considered equivalent to full blood relations. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1101)

- f. **HOLIDAYS** - All full-time employees in the classified service and unclassified service of the City, except members of the firefighting service, shall receive their regular compensation for the following holidays:
- a. New Year's Day, January 1
 - b. Martin Luther King Day, the third Monday in January
 - c. President's Day, the third Monday in February
 - d. Memorial Day, the last Monday in May
 - e. Independence Day, July 4
 - f. Labor Day, the first Monday in September
 - g. Veteran's Day, November 11
 - h. Thanksgiving Day, the fourth Thursday in November
 - i. Day after Thanksgiving Day, the fourth Friday in November
 - j. Christmas Day, December 25

When a holiday occurs on a Saturday it shall be observed on the preceding Friday for those employees that are not scheduled to work on that Saturday. When a holiday occurs on a Sunday it shall be observed on the following Monday for those employees that are not scheduled to work on that Sunday. In no case shall an employee receive holiday pay for more than one (1) day for any given holiday. Employees who are scheduled to work the day before, or the day after a holiday, or who are scheduled to work on the holiday, but fail to work without a compelling reason may forfeit their holiday pay.

Religious Holiday – A regular employee who wishes to observe a religious holiday that is not an official City holiday may take leave not to exceed three (3) days. It will be charged according to the employee's preference to vacation, free day, compensatory time or excused leave without pay. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1098)

- g. **JURY DUTY** - An employee may receive special leave with pay when he or she is required to serve on a jury and the hours of jury duty conflict with the hours of their City work. Such employee may keep the County or State jury fee; however, Federal jury fees must be deposited with the City through the department director. In cases when the employee serves on a jury during their non-working hours or days, they are permitted to keep the jury fee. However, they must inform their supervisor of their jury service. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1104)
- h. **LEAVE WITHOUT PAY**
- 1. **Generally.** Leave of absence without pay not to exceed ninety (90) days may be granted by a Department Director to a regular employee in the classified service. A leave of absence without pay may be granted by a Department Director, with the prior approval of the Director of Human Resources, to regular employees in the classified service for a period not to exceed (180) days.

2. **Extended leave.** A Department Director, with the prior approval of the Director of Human Resources may grant a regular employee a leave of absence without pay for a period agreed upon by the Department Director and the Director for travel, study related to the employee's position with the City, or in the case of serious illness. Such leave shall be granted only when it will not result in undue hardship to the City. No such leave shall be granted primarily in the interest of the employee except in the case of one who has shown by their record of service or by other evidence to be of more than average value to the City and whose service is desirable to retain even at such sacrifice.

Employees on leave of absence who do not receive at least 41 hours of pay shall not continue to accrue sick leave and vacation leave but will retain what they have already accrued. Those employees shall also retain their previously acquired tenure and shall continue to accumulate tenure for up to one year, retaining such tenure until returning from this leave as scheduled. During this leave time all other benefits shall cease; however, the employee shall have the option to continue such benefits by paying the employee share of the benefits at the time due.

Upon expiration of leave without pay, the employee shall return to work in the position held at the time leave was granted. Without good cause, failure of the employee on leave to report promptly when the leave has expired shall be considered as resignation. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1105)

- i. **MILITARY LEAVE** - Eligible employees in the classified service are allowed up to five (5) years of cumulative periods of military service beginning with service after December 12, 1994. Annual training and monthly drills are not counted against the cumulative total. Such employees who have been employed by the City for at least one year immediately preceding leaving the City directly to enter the active uniform service of the United States during a National Emergency, etc., shall be granted a military leave of absence without pay to extend up to six (6) calendar months beyond the date of termination of active uniform service. The limit of leave allowed beyond release from active duty will be determined by the length of active military service:

Length of Military Service	Leave Allowed After Release From Duty
30 days or fewer	2 days
31-180 days	14 days
181 days or more	90 days

The term "uniform service" shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, but shall not include service as a civilian employee of any of the services.

Employees returning from military leave shall be entitled to restoration to their former position, provided they make application within six (6) months after their release from duty, (according to the chart above) are honorably discharged, and are physically and mentally capable of performing the duties of the position involved. In the event that the position they vacated no longer exists at the time they qualified for return to work, such person shall be entitled to be reemployed in another existing position of the same class, provided such reemployment does not necessitate the laying off of another person with greater seniority.

An employee returning from military leave shall be reemployed at a salary rate equivalent to what they would have been earning had they not been on military leave. They may be eligible for a merit increase upon completion of one (1) year of service that shall include the time between their last merit increase and the date military leave was granted. Employees granted military leave of absence may count such service as time spent on the job for computing seniority in the event of a layoff.

A regular employee, who leaves the municipal service directly for such military leave, may elect to be paid for any accrued vacation, as they may be entitled as if they were actually separating from the City service. If the employee elects not to be paid for vacation leave, then previously accrued vacation and sick leave shall be made available upon return of the employee. There will be no leave accrual during military leave. The employee may also elect to continue participating in the voluntary benefits and pay (by direct bill from the Benefits Office) the portion of the premium for such benefits as when working.

- j. **PAID MILITARY LEAVE** - All employees who are or may become active members of the National Guard, the Army Reserve, Air Force Reserve, Naval Reserve, Marine Corps Reserve, or Coast Guard Reserve of the United States Government, shall be entitled to leave of absence with pay from their respective duties, on all days during which they are employed with or without pay under the orders of authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed 120 hours during each Federal fiscal year (October 1 through September 30).
- k. **SICK LEAVE** - Each full-time employee in the classified service that is scheduled to work 80 hours per pay period and is compensated for at least 41 or more hours during a pay period shall receive 3.7 hours sick leave accrual for that pay period up to a maximum of 3,000 hours. Each regular employee that is scheduled to work 99 hours per pay period and is compensated for at least 50.5 or more hours during a pay period shall receive 5.5 hours sick leave accrual for that pay period up to a maximum of 3,000 hours.

Sick leave with pay must be earned before it can be granted and then it will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to contagious disease, or to keep a doctor's or dentist's appointment. An employee may utilize any amount of his earned sick leave for the purpose of caring for his dependent child, spouse, parent, approved domestic partner (who is registered in the domestic partner registry that is maintained by the Human Resources Department's Benefits Office) or domestic partner's dependent child for the same reasons as listed above for himself when other arrangements cannot be made.

When an employee finds it necessary to be absent for any of the reasons specified herein, they shall cause the facts to be reported to their supervisor at least 30 minutes prior to the regular time for reporting to work if a relief employee is required or if the employee is a member of a work crew, or in accordance with established department standards. All other employees shall cause the facts to be reported to their supervisor no later than one (1) hour after their scheduled starting time on the first working day of absence, or in accordance with established department standards. Sick leave shall not be granted unless such report has been made.

The balance of sick leave will be paid to a terminating employee with at least one year of service at a ratio of four hours of sick leave equaling one hour of pay and at a two to one ratio

to retirees and to the beneficiary of an employee that dies while on active employment status. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1100).

Sick Leave Donations are allowed from one employee to another under the following circumstances:

Employee Donating Sick Leave

1. The donation may not result in a balance of less than 120 sick leave hours for the donor.
2. The donation of sick leave must be in increments of 40 hours (12 hours for recipients working 12 or 24 hour shifts).
3. A complete "Sick Leave Donation Form" must be submitted, including the notarized signature of the donor, to the Benefits Office by 5 p.m. on Thursday 11 calendar days prior to the beginning of the pay period in which the donated hours are needed. Copies will be distributed after processing.
4. The donation is a gift and is not compensable in any way.
5. The donation may not be refunded to the donor.

Employee Receiving Donated Sick Leave

1. The recipient must have exhausted their available sick leave to the point of receiving less than a full paycheck if the donation was not approved. The recipient must be on Family Medical Leave (FML) OR on leave approved by their department's director.
 2. If FML has been exhausted the recipient must provide documentation of departmental leave. After departmental leave is exhausted, then extended leave approved by the Director is required.
 3. The actual transfer of sick leave will be processed in entirety on the pay period following the date all required documents are received by the Benefits Office (see number three above).
 4. Sick leave donations will be denied and returned to the donor if it is received for absences occurring after the effective date of when an employee has been approved for short-term benefits.
 5. After the transfer is made the Benefits Office will notify the recipient's HR Liaison/Consultant by e-mail to ensure absences are properly recorded.
1. **VACATION** - Each regular, full-time employee in the classified or unclassified service, except employees specifically covered elsewhere in this section, allocated to classes within the managerial, professional, supervisory or confidential group shall earn annual vacation as follows:

After 6 months of continuous service	1 calendar week
After 1 year of continuous service	2 calendar weeks
After 5 years of continuous service	3 calendar weeks
After 10 years of continuous service	3 calendar weeks and 2 days
After 15 years of continuous service	4 calendar weeks
After 20 years of continuous service	4 calendar weeks and 3 days

An employee in the position of Department Director, Assistant City Manager, City Clerk or City Auditor job classification shall receive vacation leave annually as follows:

After 6 months of continuous service	3 calendar weeks
After 5 years of continuous service	4 calendar weeks
After 10 years of continuous service	5 calendar weeks and 2 days
After 15 years of continuous service	6 calendar weeks

Each regular employee in the classified or unclassified service compensated for at least 41 or more hours during a pay period shall receive vacation leave credit for that pay period. Vacation time must be earned, requested and approved by the employee's supervisor prior to use. An employee may not use any annual leave until they have been in the service of the City continuously for a period of six (6) months.

Employees with less than 15 years of service may accrue vacation leave to a maximum of twice the amount earned in a year. Employees with 15 consecutive years or more of service may accrue vacation leave to a maximum of two and one-half times the amount earned in a year.

Vacation Leave Cash-In Non-exempt Employees with over 10 years of service and four (4) weeks of accumulated vacation may cash in 40 hours of vacation pay once in each 12 month period. The number of employees who may exercise this option during any pay period is limited to 5% of the department's personnel.

(City Ordinance, Chapter 2, Article VIII, Sec.2-1099)

- m. **VOTING LEAVE** - Employees entitled to vote at a public election and who do not have three (3) successive regular non-work hours while the polls are open may request time off to vote twenty-four hours in advance. Upon receiving such timely requests, the Department Director shall specify and grant three consecutive hours, which may be a combination of regular working time and the employee's free time during the time the polls are open, in which the employee will vote. Employees not voting in the election for which voting leave was granted to them shall have this paid leave time changed to absence without leave.

SECTION 9.9 RETROACTIVE LEAVE CREDIT

Persons who are initially employed as seasonal employees and who, prior to the expiration of their employment, are reclassified/transferred to regular full-time employees shall be entitled to retroactive vacation, sick leave and longevity credit for the last continuous period of seasonal employment in which work was performed. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1116)

SECTION 9.10 BREAK TIME FOR NURSING MOTHERS

The City will provide reasonable break time and a designated location for an employee to express breast milk for her nursing child each time she has a need to express milk.

Frequency and Location of Breaks

- a. The City will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.
- b. Each facility will make available a location that is functional as a space for expressing breast milk. A bathroom, even if private, is not a permissible location for expressing milk. The space

must be shielded from view and free from any intrusion from co-workers and the public. If the space is not dedicated to the nursing mother's use, it must be available when needed. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that it meets the above requirements.

- c. The employee shall meet with her supervisor in advance to make arrangements for the times and location of breaks.

Coverage and compensation

- a. This policy applies to both non-exempt and exempt employees.
- b. Break time allowed under this policy will be uncompensated, except that employees may use their regular, paid breaks to express milk. Employees who elect to use their regular, paid breaks may take their breaks as needed during the work day to express milk and will be afforded a location meeting the above requirements of this policy.

RULE 10 PERFORMANCE STANDARDS

SECTION 10.1 EMPLOYEE PERFORMANCE STANDARDS

Good performance management involves setting appropriate expectations and goals for employees and then providing regular feedback on how well employees are meeting those expectations and goals. Taking corrective action for poor performance requires a different focus than disciplining employees who violate rules or engage in misconduct. When attempting to improve poor performance, the supervisor must become more of a coach or counselor. Counseling sessions designed to improve performance should include:

- a. Pointing out the difference between present performance and agreed upon expectations.
- b. Describing specifically the negative impact of the employee's performance.
- c. Getting the employee's view of the situation.
- d. Asking for ideas on how the employee can correct the situation.
- e. Explaining any steps the supervisor plans to take and why.
- f. Agreeing on an action plan and a date for follow-up.
- g. Considering whether there are factors outside the employee's control that may be contributing to the employee's performance problem.

However, egregious performance errors or continued poor performance may result in disciplinary action up to and including termination.

SECTION 10.2 EMPLOYEE PERFORMANCE APPRAISALS

Performance Appraisals shall be prepared for all employees in the classified service. Performance Appraisals shall be prepared for all employees in the unclassified service as directed by the City Manager.

SECTION 10.3 FREQUENCY OF EMPLOYEE PERFORMANCE APPRAISALS

Employees shall be rated regularly on an annual basis coinciding with the employee's pay anniversary date.

Employees will also be rated on the following special occasions:

- a. Two (2) weeks prior to the conclusion of the probationary period for both initial and promotional appointments.
- b. At any time for exceptional or unsatisfactory performance.

SECTION 10.4 RESPONSIBILITY FOR EMPLOYEE PERFORMANCE APPRAISALS

The Director shall have the responsibility for administering the employee performance appraisal system. Each employee shall be rated by his first and second line supervisors. The performance appraisal shall be submitted to the Human Resources Department where it will be kept in the employee's personnel file. Copies of the performance appraisal should be retained by the department and the employee affected.

Performance appraisals not issued timely shall result in the employee receiving rating marks of at least Meets Expectations in all traits.

Supervisors who fail to issue timely appraisals may have their performance appraisal negatively affected.

SECTION 10.5 EMPLOYEE PERFORMANCE APPRAISALS MANUAL

The Human Resources Department is responsible for developing, updating, and distributing Performance Appraisal manuals, as well as explaining the proper use of the employee Performance Appraisal system to all supervisors and managers.

SECTION 10.6 MERIT INCREASES DEPENDENT ON PERFORMANCE APPRAISALS

An employee must receive an Overall performance appraisal rating mark of at least MEETS EXPECTATIONS (or equivalent) on his annual Performance Appraisal in order to be eligible for an annual merit increase.

A non-exempt employee who received an overall rating mark of FAILS TO MEET EXPECTATIONS (or equivalent) on his annual Performance Appraisal shall be placed on a Special 90-day Performance Appraisal period and re-rated within 90 calendar days. Should the employee receive an overall rating mark of at least MEETS EXPECTATIONS on his Special 90-day Performance Appraisal, he shall be entitled to receive a delayed merit increase. Delayed merit increases may not exceed 90 calendar days from the date of the employee received his annual Performance Appraisal, or the employee's pay anniversary date, whichever is earlier, and constitute a new pay anniversary date.

Exempt employees receiving an Overall performance appraisal rating of FAILS TO MEET EXPECTATIONS on their annual Performance Appraisal shall be placed on a Special Performance Appraisal period not to exceed one (1) calendar year and will not receive an increase for that fiscal year of service.

SECTION 10.7 TERMINATION BASED ON PERFORMANCE

Employees receiving two (2) consecutive overall performance appraisal ratings of FAILS TO MEET EXPECTATIONS will be recommended for termination.
(City Ordinance, Chapter 2, Article VIII, Sec.2-1086)

SECTION 10.8 PERFORMANCE APPRAISAL APPEAL

Any regular status employee may appeal his Annual or Special Performance Appraisal when it contains:

- a. Rating marks of less than MEETS EXPECTATIONS in a trait or the overall/general evaluation.
- b. Negative comments inconsistent with the rating mark(s) given

In order to appeal a Performance Appraisal, the employee must sign the completed Performance Appraisal form and submit his appeal in writing to the department director within 14 calendar days of the employee's receipt of the appraisal. Failure to sign the appraisal and/or submit it to the department director within 14 calendar days shall result in the employee waiving his right to an appeal.

If the employee is not satisfied with the department director's decision, the employee may, within 14 calendar days of receipt of the decision, submit an appeal in writing to the Director. The Director's decision shall be reduced to writing and shall be delivered to the aggrieved employee within 21 calendar days of the date on which the appeal was heard. The decision of the Director shall be final and no further right of appeal shall be provided to the employee.

The rating supervisor shall inform the employee in writing of this appeal procedure.

Employees are allowed to have an attorney licensed to practice law in the state of Missouri, present during the hearing to observe, take notes, and assist them in presenting information to the Hearing Officer.

RULE 11 CORRECTIVE ACTION

SECTION 11.1 CAUSES FOR DISCIPLINARY ACTION

Any action, which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of the municipal government functions, shall be considered good cause for disciplinary action against any officer or employee of the City. Circumstances constituting cause for disciplinary action are as follows, although charges may be based upon causes other than those listed:

- a. Violation of the City's Drug & Alcohol Misuse Testing Policy.
- b. Has made a false statement or omission of material fact in his application.
- c. A finding of guilt, or plea of guilty (or no contest or the equivalent) to a felony or serious misdemeanor violation of law; or failure to report an arrest or charge of a felony or serious misdemeanor, including serious moving traffic violations to the Department Director immediately and/or prior to returning to work.
- d. Use of abusive or improper treatment to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense or to protect the lives of others or to prevent the escape of a person lawfully in custody.
- e. Violation of Weapons/Dangerous Instruments Policy.
- f. Damage or negligence in the care and handling or operation of City property.
- g. Violation of any law and reasonable official regulation or order made or given by the employee's superior, where such violation or failure to obey amounted to an act of insubordination or a serious breach of proper discipline, or resulted, or might reasonably have been expected to result, in loss or injury to the City or the public.
- h. Offensive conduct or language, or commission of acts or omissions unbecoming an incumbent of the particular office or position held.
- i. Solicitation or receipt from any person, or participation in any fee, gift or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons in City service.
- j. Use or attempted use of political influence, bribery or collusion to secure an advantage in an examination, appointment, or promotion.
- k. Failure to pay just debts or failure to make reasonable provision(s) for the future payment of such debts owed to the City.
- l. Failure to keep the City notified of current address and telephone number.
- m. Failure to cooperate in the conduct of a lawful investigation by the City.
- n. Failure to comply with the code of conduct set forth by the City Ethics Committee.
- o. Violation of the EEO Discrimination/Harassment Policy.
- p. Any harassment or intimidation, recurrent in nature and/or having a detrimental effect on the fellow employee's or subordinate's employment situation, regardless of whether the actions occurred in the workplace or outside the workplace.
- q. Theft of City funds or property, including taking, removing, or salvaging anything other than that authorized and/or required in the line of duty as well as utilizing City equipment for personal use.
- r. Excessive or unauthorized absenteeism, dock time, job abandonment, or failure to report.
- s. Misuse of City time.

- t. Insubordination/failure to follow instructions.
- u. Failure to meet Performance Standards or Expectations.
- v. Conduct which is disruptive or causes inefficiencies in the workplace.
- w. Discussing or divulging confidential information, including medical/personal information of others, with unauthorized individuals or in an unauthorized manner.
- x. Inability to perform job duties.
- y. Violation of the Nepotism Policy.
- z. Violation of the Zero Tolerance Policy Regarding Threats or Acts of Violence.
- aa. Violation of any ordinance, policy, or Department rule not otherwise contained in the manual.

Section 11.2 MISCONDUCT

Misconduct includes, but is not limited to, one of the following:

- a. Conduct reflecting discredit to the City
- b. Destruction or misuse of City property
- c. Discourteous to public
- d. Insubordination/failure to follow instructions
- e. Violation of residence and domicile requirements
- f. Falsification of employment application
- g. Theft
- h. Violation of the Drug and Alcohol Misuse Testing Policy
- i. Violation of the Zero Tolerance Policy Regarding Threats or Acts of Violence
- j. Violation of the EEO Discrimination/Harassment Policy
- k. Violation of Weapons/Dangerous Instruments Policy.
- l. Willfully discussing or divulging confidential information, including medical/personal information of others, with unauthorized individuals or in an unauthorized manner.
- m. Violation of the Nepotism Policy.

SECTION 11.3 UNAUTHORIZED ABSENCE

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the Department Director.

SECTION 11.4 JOB ABANDONMENT

Any employee who is absent for five (5) or more consecutive work days without notification may be considered as having abandoned the job.

SECTION 11.5 INVESTIGATIONS

Prior to issuing counseling or corrective action, supervisors shall conduct a fair and thorough investigation. This includes ensuring that the investigation contains:

- a. Thorough interviews of the complainant, accused and necessary witnesses
- b. Analysis of all relevant evidence
- c. Assessment of the credibility of the witnesses and strength of the evidence
- d. Rational and defensible conclusion

- e. Communication of findings to appropriate individuals

Employees who are interviewed as part of an official City investigation are required to cooperate.

Departments exercising the City's right to polygraph employees must only do so under the direction of the Human Resources and Law Departments.

SECTION 11.6 RECOMMENDATION FOR DISCIPLINARY ACTION FOR WORKPLACE MISCONDUCT OR FOR EFFECT OF ARREST OR CONVICTION.

In situations where departments are seeking to:

- Demote or terminate an employee, other than as part of a reduction in force
- Suspend an employee due to either:
 - An alleged serious workplace infraction, as defined as misconduct in Section 11.2
 - The result of an employee's arrest or conviction for a felony or Missouri class A misdemeanor charge or its equivalent
 - An ordinance or statutory violation involving bodily harm or a threat thereof

Departments shall first forward their recommendation to the Director for review and approval. This action shall be performed prior to scheduling and/or holding a predetermination hearing.

Upon receipt, the Director will review the information provided to ensure that a thorough and fair investigation has been completed. The Director will also consider the department's recommendation to determine if it is reasonable based on the information submitted, and whether it is consistent with previous similar violations.

Should the department director disagree with the recommendation of the Director, the department director and the Director shall meet as soon as feasible with the City Manager to discuss the matter. The City Manager shall have final authority to determine the disciplinary action. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1114.5)

SECTION 11.7 CORRECTIVE ACTION

a. COUNSELING

1. **VERBAL COUNSELING** – A privately held conversation between the supervisor and an employee regarding the employee's failure to meet performance and/or behavioral expectations.
2. **WRITTEN COUNSELING** – A formal document issued to an employee summarizing the conversation held to discuss the employee's failure to meet performance and/or behavioral expectations.

b. DISCIPLINARY ACTION

Violation of City and/or department rules and policies, including those listed in Section 11.1, may warrant disciplinary action. Forms of discipline that department directors may elect to use include verbal reprimands, written reprimands, suspensions, terminations and/or demotions. The system is not formal, and the City may, at its sole and absolute discretion, deviate from any order of progressive disciplinary actions and utilize whatever form of discipline deemed appropriate under the circumstances, up to and including immediate termination of employment.

1. **VERBAL REPRIMAND** - A formal conversation between the employee and his supervisors about a continuing or serious performance or behavioral problem.

2. **WRITTEN REPRIMAND** - A formal document issued to an employee regarding the employee's continued or serious performance or behavioral problem(s). Written Reprimands must:
- Be issued by at least a first-line supervisor outside of the bargaining unit
 - Be in writing and addressed to the employee
 - State the disciplinary level
 - Describe the essential facts of the misconduct or performance, including specific work rules violated
 - Inform the employee of his appeal rights
 - Be copied to the division manager, department director, and Department of Human Resources

A signed copy shall be delivered to the Human Resources Department and will become a permanent record in the employee's Human Resources file. Reprimands are subject to the grievance procedure directly to the third step.

3. **SUSPENSION (DISCIPLINARY)** - A department director may, for just cause, suspend an employee without pay for a period not exceeding 30 calendar days in any 12 month period; however, no single suspension shall be for more than 15 calendar days, unless the suspension is pending termination.

The department director shall notify the employee concerned and the Director on the appropriate City form no later than one day after the date the suspension is made effective. Such notice shall include the reasons for and the duration of the suspension. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1112).

4. **INVOLUNTARY DEMOTION** - A department director may demote any employee for just cause. A written statement of the reasons for any such action shall be furnished to the employee and a copy filed with the Director at least seven (7) calendar days prior to the effective date of the action. The employee to be demoted must meet the minimum qualifications of the lower job classification. No demotion shall be made if any regular employee in the lower class will be laid off by reason of the action. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1113)

An employee who is involuntarily demoted due to discipline or performance shall not be eligible for promotion or a salary increase for a period of one (1) year from the time of demotion.

5. **TERMINATION (REGULAR EMPLOYEE)** - A department director may dismiss for just cause any regular employee under his jurisdiction by delivering, at least seven (7) calendar days before the effective date thereof, a written statement of reasons to the employee and the Director. The notification shall be sent by certified mail to the employee's last known address of record.

If the Department Director, because of the reasons for the termination, desires to make an immediate separation from the service, he may place the employee on suspension without pay pending termination by so notifying the Director in writing of the reasons. Such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending termination shall not be subject to the limitations provided in other sections of these rules. (City Ordinance, Chapter 2, Article VIII, Sec. 2-1114)

SECTION 11.8 SUSPENSION/REASSIGNMENT PENDING OUTCOME OF INVESTIGATION OR HEARING

To protect the interest of the City, its officers and/or employees, an employee may be removed from the workplace or reassigned to a different position/location pending the results of an investigation or a Predetermination Hearing. In such cases, the department director shall notify the employee concerned and the Director in writing no later than one day after the date the suspension/reassignment is made effective. Such notice shall include the reasons for the action.

Regular employees placed on suspension pending an investigation may also, at their request, utilize their free day, accrued vacation leave and/or accrued compensatory leave time. If the investigation finds that a suspension or the length of the suspension was not warranted, the employee shall be entitled to receive back-pay and/or restoration of leave time.

SECTION 11.9 PREDETERMINATION HEARINGS

Each Department Director may designate a person to serve as a Predetermination Hearing Officer with approval from the Director of Human Resources. It is the role of the Predetermination Hearing Officer to determine whether just cause exists for the recommended action.

A predetermination hearing must be held for:

- a. Disciplinary actions of suspension, involuntary demotion, or termination. The Predetermination Hearing Officer shall hold a predetermination hearing prior to disciplinary action taking effect against any regular status employee. If the Predetermination Hearing Officer finds that there is cause for disciplinary action, he will determine if the recommended disciplinary action is appropriate, or if such discipline should be increased or reduced.
- b. Suspensions pending the results of an investigation. The Predetermination Hearing Officer shall hold a predetermination hearing as soon as possible to determine if the suspension is warranted.

Predetermination Hearings should be scheduled and held in a timely manner, generally within two (2) weeks of receiving the request for a hearing. The Predetermination Hearing Officer's decision shall be reduced to writing and shall be delivered to the employee within fourteen (14) calendar days of the date on which the hearing was held.

A waiver of the Predetermination Hearing for a suspension or involuntary demotion may be requested in writing by the employee. Before a waiver is granted, the Predetermination Hearing Officer will review all the facts and supporting documentation, and meet with the employee and the union (if applicable) to determine if the infraction occurred and that the employee is voluntarily requesting the waiver. For employees covered and represented by a bargaining union, the hearing officer may grant a waiver without meeting with the employee.

SECTION 11.10 DO NOT REHIRE

Employees terminated for excessive absenteeism or misconduct (as defined in Section 11.2) connected with their work or would have been recommended for termination had they not resigned shall have the phrase "DO NOT REHIRE" placed in their Human Resources file upon formal request and determination by the Predetermination Hearing Officer. This recommendation must be included in the request for a predetermination hearing for the recommendation for termination. The phrase "DO NOT REHIRE" shall prohibit any future employment with the City for five (5) years from the date of termination/separation.

The ineligibility period includes returning to City employment on contract, through temporary agencies, or any other employment capacity.

SECTION 11.11 NAME CLEARING HEARINGS

A Name Clearing Hearing shall be conducted in the following circumstances:

- a. When an employee is being terminated due to a finding of misconduct when the employee is not entitled to a predetermination hearing.
- b. When management requests the phrase DO NOT REHIRE be placed in an employee's Human Resources file and the employee resigns in lieu of termination.
- c. When management requests the placement of negative information into an employee's Human Resources file after the employee has left City employment or when such employee does not have a right to a predetermination hearing (i.e., probationary employees, employees who have resigned, etc.).

The Hearing Officer's decision shall be reduced to writing and shall be delivered via certified mail to the employee within fourteen (14) calendar days of the date on which the hearing was held.

The employee may appeal the department's decision, within 14 calendar days of receipt of the decision, by submitting an appeal in writing to the Director. The Director shall determine if sufficient information exists to allow the placement of negative information and/or the phrase DO NOT REHIRE into the employee's official personnel file. Such decision shall be reduced to writing and shall be delivered to the employee within 21 calendar days of the date on which the appeal was heard. The decision of the Director shall be final and no further right of appeal shall be provided to the employee.

RULE 12 SEPARATION OF EMPLOYMENT

SECTION 12.1 RESIGNATIONS

Any employee may resign from City service by presenting his resignation verbally or in writing to the appropriate hiring authority. Such resignation shall be promptly forwarded to the Human Resources Department. Departments should make a reasonable attempt to document the specific reasons for resignation and, if necessary, conduct an internal investigation to reach conclusions of fact. The Director may make such investigation as he deems warranted for the purpose of verifying reasons for each resignation.

An employee may withdraw his resignation at any time prior to the effective date only with the approval of the Director and the department director.
(City Ordinance, Chapter 2, Article VIII, Sec. 2-1106)

SECTION 12.2 EFFECTIVE DATE OF SEPARATION

The first full calendar day after the employee's date of resignation or termination.

Employees shall not be allowed to schedule the use of accrued leave (i.e., sick, vacation, extra vacation day, comp time, etc.) to extend their employment.

SECTION 12.3 REDUCTION IN FORCE – LAYOFF

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least ten (10) working days to such employee. However, no regular employee shall be separated from the affected department while there are employees serving in essentially the same job class/title under the following areas of employment in the following order:

- (1) Temporary service agencies
- (2) Seasonal
- (3) Limited term contracts
- (4) Limited term merits
- (5) Initial probationary period
- (6) Employees on special performance rating periods
- (7) Provisional
- (8) Part-time

Whenever a classified position is abolished or a reduction in force becomes necessary, layoffs shall be accomplished in the following manner:

- (1) For all classified positions:
 - a. Affected employees considered non-exempt from certain overtime provisions of the Fair Labor Standards Act will be laid off in that department in inverse order of their total continuous city service within the same job classification, in accordance with the current pay ordinance, unless one or more criteria established by the director of human resources is present.
 - b. Affected employees considered exempt from certain overtime provisions of the Fair Labor Standards Act shall be subject to layoff in that department in inverse order of total continuous city service within the same job classification, in accordance with the current pay ordinance, unless one or more criteria established by the Director is present.
- (2) Transfer, demotion or promotion in lieu of layoff. Whenever employees are to be laid off, the Director may transfer, demote or promote an employee to another vacant position in the city in order of total continuous city service providing that:
 - a. Positions are authorized, budgeted, and the city intends to fill the vacancies.
 - b. Employee meets qualifications of the new position as determined by the Director.
 - c. The department director agrees to place the employee in the vacant position.

- (3) Salary adjustments upon demotion. The city manager has the authority to determine whether:
 - a. The employees' salary will be adjusted in accordance with the pay ordinance in effect; or
 - b. The salary of an affected employee may be stabilized for a period not to exceed three months. However, after this period, the employees' salary will be reduced consistent with the pay ordinance in effect.
 - (4) The Director may waive any of the above provisions and implement the following as it relates to:
 - a. Any department with a vacancy must accept an affected employee who has been certified and is qualified for the vacancy.
 - b. If an affected employee refuses the position offered, it will be the employee's responsibility to compete for other positions within the city system through the established competitive process.
 - c. The human resources department may coordinate outplacement assistance for those associates who leave the organization.
 - d. Decisions for layoff must be approved by the human resources director. An employee may file a written appeal to the city manager or designee to determine if the layoff was in compliance with the ordinance in effect. This appeal must be filed within ten calendar days of the effective date of action.
 - (5) Within his or her authority, the city manager shall be authorized to develop and enter into severance agreements with displaced employees. Employees who receive severance pay shall not be eligible for reemployment with the city for one year from the effective date of their termination. In special circumstances, where an individual possesses specialized knowledge, skills and/or abilities needed by the city, upon written request by the hiring department, the Director may waive the prohibition against an employee being reemployed by the city prior to the expiration of the 12-month period.
 - (6) Nondiscrimination in reduction in force. Layoffs and demotions which result from a reduction in force shall be made without regard to an employee's race, color, religion, national origin or ancestry, gender, sexual orientation, age, marital status or disability.
 - (7) For those classes of positions covered by the provisions of the memorandum of understanding between the city and Local 500 - American Federation of State, County and Municipal Employees, employees will be laid off in accordance with the provisions of the Collective Bargaining Agreement.
 - (8) For those classes of positions covered by the provisions of the memorandum of understanding between the city and Local 42—International Association of Fire Fighters, employees will be laid off in accordance with the provisions of the Collective Bargaining Agreement.
 - (9) For those classes of positions covered by the provisions of the memorandum of understanding between the city and Local 3808—International Association of Fire Fighters, employees will be laid off in accordance with the provisions of the Collective Bargaining Agreement.
- (City Ordinance, Chapter 2, Article VIII, Sec. 2-1115)

SECTION 12.4 MANDATORY FURLOUGHS

In the event mandatory furloughs are necessary, which does not require all employees within that work group to be furloughed, individuals in the affected work group shall be furloughed in the following order:

- a. Temporary employees
- b. Contract employees
- c. Seasonal employees
- d. Initial probationary employees
- e. Provisional employees
- f. Employees currently on a Special Probationary Period
- g. Inverse order of continuous service with the City

SECTION 12.5 EXIT INTERVIEWS

Upon the separation of employment with the City, or transfer to a new department within the City, each department shall schedule a time for an exit interview to be held with the department and/or Human Resources Department. Employees may contact the Compensation Division of the Human Resources Department to schedule an exit interview.

RULE 13 LABOR AND EMPLOYEE RELATIONS

SECTION 13.1 APPEALS

Any regular employee who is suspended, terminated, or reduced in pay shall have the right to appeal this action to the Human Resources Board. An appeal must be filed with the Director within ten (10) calendar days after the postmark date of the Predetermination Hearing answer. The appeal must be in writing and set forth the reasons why the action is believed to be improper.

The Human Resources Board shall have the power to inquire into all the facts and circumstances pertaining to termination, suspension, demotion and reduction in salary of the employee. The Human Resources Board shall report all decisions in writing to the Director, the appointing authority and the employee. (City Charter, Article IX, Sec. 907)

SECTION 13.2 CITY MANAGER REVIEW

All decisions of the Human Resources Board are subject to review by the City Manager. The City Manager may affirm, change, modify or reverse decisions of the Human Resources Board. The City Manager will notify, in writing, the Human Resources Board, the Director, the appointing authority and the employee.

No review shall be made by the City Manager of any decisions of the Human Resources Board except on the record of such proceedings and unless a written request for review is made of the City Manager by the employee or appointing authority involved, within ten (10) calendar days after the mailing of written notification of the decision of the Human Resources Board to the employee or appointing authority. The party requesting the review shall provide the transcript and exhibits to the City Manager.

A decision of the Human Resources Board shall be final and conclusive in each case where the Human Resources Board finds an employee's removal, suspension or reduction in rank was influenced or caused by either the religious or the political opinions or affiliations of the employee. (City Charter, Section 907(f)).

SECTION 13.3 GRIEVANCE POLICY

Employees shall have an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible.

GRIEVANCE PROCEDURE:

1. **STEP 1 - ORAL REPORT** – An employee who has a grievance shall first orally present their grievance to their immediate supervisor within 14 calendar days of the event giving rise to the grievance. Within seven (7) calendar days after receiving the grievance, the supervisor shall provide a response.
2. **STEP 2 - WRITTEN REPORT** – If the oral grievance presentation fails to settle the grievance, the employee may within seven (7) calendar days submit that grievance in writing to his second-line supervisor. Within seven (7) calendar days after receiving such grievance, the second-line supervisor shall provide the employee with a written reply to the grievance.
3. **STEP 3 - APPEAL TO THE DEPARTMENT DIRECTOR** – If the written reply to the grievance is not satisfactory to the employee, the employee may, within 14 calendar days after receiving the written reply, submit an appeal in writing to his department director. A hearing

shall be scheduled within seven (7) days. The department director shall confer with the aggrieved employee and all parties involved before rendering a decision. In all instances where the department director does not hear the employee grievance, the department director shall endorse the decision of his designee. Such decision shall be reduced to writing and shall be delivered to both parties within 14 calendar days of the date on which the appeal was heard.

4. **STEP 4 - APPEAL TO THE HUMAN RESOURCES DIRECTOR** – If appeal to the department director fails to resolve the grievance, the employee may, within 14 calendar days of receipt of the decision on the appeal, submit an appeal in writing to the Director. The Director shall consider matters pertinent to the grievance. Such decision shall be reduced to writing and shall be delivered to both parties within 21 calendar days from the date on which the appeal was heard. The decision of the Director shall be final and no further right of appeal shall be provided to the employee.

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Appendix A – Discrimination/Harassment Policy

EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION/HARASSMENT POLICY City of Kansas City, Missouri

A) POLICY

1. Discrimination against and/or harassment of City employees or by City employees against any other person on the basis of race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity, is prohibited and will not be tolerated in the City workplace.
2. Retaliation against any person because he or she has made a report, testified, assisted or participated in any matter in an investigation under this Policy or opposed to any practice prohibited by this Policy is prohibited and will not be tolerated in the City workplace.
3. Inappropriate sexual activity in the workplace, even between consenting adults, is prohibited and will not be tolerated in the City workplace.

B) OBJECTIVES AND PHILOSOPHY.

The City expects its employees to conduct themselves in a professional and unbiased manner at all times while at work. It is the objective and philosophy of the City:

1. To provide employees with a working environment free from discrimination and harassment.
2. To provide employees with a work environment free from hostility based on an employee's race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity.
3. To prevent employees from treating other persons differently because of race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity.
4. To prevent retaliation against any employee.
5. To encourage prompt reporting of discriminatory conduct and retaliation and to resolve complaints promptly, confidentially and at the lowest management level possible.

C) DEFINITIONS.

1. The term “**Discrimination**” as used in this policy means: intentional or unintentional conduct which treats a City employee or any other person differently because of that person's race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity.

2. The term “**Harassment**” as used in this policy means: a form of discrimination involving ridicule, denigration, and/or physical abuse of a person based on race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity.
3. The term “**Hostile Work Environment**” as used in this policy means: unwelcome comments or actions based on race, sex (including pregnancy), national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity that are intimidating or unreasonably interferes with the employee’s ability to perform his/her duties.
4. The term “**Inappropriate Sexual Activity**” as used in this policy means: conduct between consenting individuals that may include, but is not limited to groping, fondling, and sexual intercourse.
4. The term “**Retaliation**” as used in this policy means:
 - a. Any form of discrimination against an employee because he or she has made a report of alleged harassment or discrimination; has testified, assisted or participated in any manner in an investigation of a report of discrimination or harassment; or has opposed any practice prohibited by this Policy or made unlawful by Title VII of the Civil Rights Act of 1964, as amended; the Missouri Human Rights Act, and the City of Kansas City, Missouri Civil Rights Ordinance.
 - b. Examples of inappropriate retaliation may include, but are not limited to:
 1. Failure to hire or promote or withholding pay increases;
 2. Poor performance reports or evaluations without appropriate work-related supporting documentation;
 3. Onerous or undesirable work assignments not in proportion to other similarly situated employees;
 4. Withdrawing friendly courtesies, spreading rumors;
 5. Refusal to grant leave or overtime opportunities;
 6. Spreading rumors;
 7. Demotion, discharge, abolishing position, further harassment or discrimination.
6. The term “**Genetic Information**” as used in this policy means:

- a. Information about an individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual.
- b. Inclusion of genetic services and participation in genetic research.--Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.
- c. The term 'genetic information' shall not include information about the sex or age of any individual.

D) PROHIBITED BEHAVIORS

The following types of behaviors are never acceptable in the work environment, even if welcome to the employees participating in that behavior. These behaviors include but are not limited to:

1. Conditioning favorable treatment upon acceptance of sexual advances, or treating unfavorably because of rejection of sexual advances;
2. Epithets, insults, threats, slurs and sexual innuendo;
3. Inappropriate sexual or insulting jokes, pictures, cartoons, electronic media based on race, sex, national origin, religion, disability, age, sexual orientation or gender identity ;
4. Inappropriate comments regarding a person's race, sex, national origin, religion, disability, age or sexual orientation, or gender identity;
5. Hazing;
6. Suggestive or insulting noises, staring, leering, whistling, or making obscene gestures;
7. Propositions or pressure to engage in sexual activity;
8. Sexual assault or coercing sexual intercourse;
9. Touching, groping, pinching, cornering, massaging or brushing someone;
10. Inappropriate comments concerning appearance;
11. Speculating, joking about, ridiculing, and/or mocking a person's sexual orientation or gender identity;
12. Sexual or insulting communications, public postings, including electronic media, telephone calls and written documents;

13. Displaying, viewing, possessing or bringing to the workplace magazines, books, videos, TV programs, music, pictures, or items with a sexual connotation;
14. Harassing conduct between City employees which occurs during an extension of the work environment but negatively impacts the work environment, such as harassing telephone calls made during off-duty hours;
15. Harassing conduct between City employees through the internet, social media networks, texting, or blogging;
16. Unnecessary comments regarding any accommodation that has been made by the City to allow a person with a disability to work;
17. Any harassing conduct directed toward a person because of the person's race, sex, national origin, religion, age, disability, marital status, veteran status, military status, genetic information, sexual orientation, or gender identity.

E) REPORTING PROCEDURE.

1. If any employee has been a victim of or observed conduct that violates the Anti-Discrimination/Harassment Policy in the City workplace, he or she should clearly tell the harasser that such conduct is offensive and to stop the conduct.
2. If any employee has been a victim of or observed conduct that violates this Policy in the City workplace, he or she should and is encouraged to report the conduct as soon as possible but no more than 180 days after the alleged harassment occurs to any or all of the following:
 - a. The immediate supervisor or the first level supervisor who is not involved in the alleged harassment; or
 - b. The Manager of EEO/Diversity; or
 - c. The Labor & Employee Relations Manager, Human Resources Department.
3. All management or supervisory personnel who observe or have received a report of a violation of this Policy shall immediately report such to the City Affirmative Action/EEO Officer, who shall make arrangements for the proper investigation of such report, and to the victim's and alleged harasser's department head.
4. In order to stop the harassment in the City workplace, all management and supervisory personnel are under an affirmative duty to report and take appropriate action on harassment of which they are aware, even if the complainant desires confidentiality and desires that no formal complaint or report be filed. Supervisory and management personnel may be disciplined for failure to report such harassment or inappropriate conduct.

5. Any employee who reports conduct which violates this Policy shall provide specific facts about the conduct including:
 - a. Who committed the conduct;
 - b. What was the specific conduct;
 - c. When and where did the conduct occur;
 - d. Identification of any witnesses and what they witnessed;
 - e. Did the conduct occur more than once;
 - f. What was the victim's response to the conduct;
 - g. Did the victim or any other employee tell the alleged harasser to stop the offensive conduct.
6. Employees are encouraged to report harassment to the aforementioned City officials so the City can take immediate corrective action.
7. Harassment may also be a violation of state or federal law and may be reported to the U.S. Equal Employment Opportunity Commission or the Missouri Commission on Human Rights. In the event an employee files with either of these agencies, the EEO Office will continue its investigation of the complaint.

F) INVESTIGATION OF ALLEGED HARASSMENT.

1. When a report of alleges harassment ("Report") is received, the City EEO Manager, Human Resources Director and the department head (or the City Manager if the allegations are directed against the department head) shall immediately be notified and an investigation shall be conducted as soon as possible.
2. The EEO Office will conduct a limited inquiry into the complaint to determine if the complaint warrants further investigation. If further investigation is required, the EEO Office will investigate the complaint or assist the department from which the complaint came to investigate the complaint, if appropriate. The EEO Office may dismiss any complaint if found to be invalid.
3. The investigation shall include, but not necessarily be limited to, interviewing individuals who are believed to have knowledge of the matter including the alleged victim and the alleged harasser and reviewing any relevant documents.
4. Employees named in Reports will be given sufficient information about the allegation to provide them a reasonable opportunity to respond before any corrective action or discipline is imposed.

5. Employees named in reports should not be assumed to have violated this Policy unless and until the Final report of Investigation states that they have done so.
6. All employees shall cooperate in any investigation or may be subject to discipline for failure to cooperate in a lawful City investigation.
7. Upon receipt of a Report, the EEO Office shall take all appropriate steps to prevent the alleged conduct from continuing, pending completion of the investigation.
8. The EEO Office shall determine the steps to be taken by balancing the rights of the alleged victim, including the severity and pervasiveness of the alleged conduct, and the rights of the alleged harasser.

G) FINAL REPORT OF INVESTIGATION.

1. The investigating officer shall issue a written report of his or her investigation which shall include the facts ascertained in the investigation and a finding of whether or not a violation of this Policy has occurred (“Final Report”).
2. The investigating officer shall provide a summary of the Final Report to the complainant, the alleged harasser, department head, Human Resources Director and the City EEO Manager.

H) CONFIDENTIALITY.

1. All Reports, all investigations and Final Reports shall remain as confidential as possible and shall be disseminated by the EEO Office only to persons having a need or right to know that outweighs the privacy rights of the individual involved.
2. Employees involved in any investigation, whether as complainant, alleged harasser, witness or investigator, should keep all discussions or communications confidential.

I) CORRECTIVE OR DISCIPLINARY ACTION.

1. If the Final Report states that there is insufficient evidence that a violation of this Policy occurred, the EEO Office will inform the parties and the matter is concluded.
2. If the Final Report states that a violation of this Policy occurred, the EEO Office shall recommend the appropriate corrective or disciplinary action to end the harassing conduct, including but not limited to:
 - a. Counseling and training;
 - b. Transfer or reassignment;
 - c. Reprimand, suspension, demotion, termination;

d. Consideration of the finding in the applicable performance evaluation.

The department director shall not enact corrective or disciplinary measures that would conflict with the EEO Office recommendation without city manager approval.

3. If the Final Report finds a violation of this Policy that does not result in termination, the EEO Office shall, at a minimum, explain this Policy to the harasser, suggest ways to correct conduct and inform him or her that further instances of harassment or retaliation may result in further discipline up to and including termination.
4. Failure to follow any provision of this policy shall result in disciplinary action up to and including termination.
5. If corrective action or disciplinary action is taken against any employee as a result of a Report, he or she may file a grievance under the City Rules and Policy Manual or the appropriate collective bargaining agreement provisions or, when authorized, file an appeal to the City's Human Resources Appeals Board.

J) MODIFICATIONS OF POLICY.

The City reserves the right to change or modify this Policy at any time. This Policy is not intended to constitute, in whole or in part, any contract of employment between the City and any person.

Appendix B - Weapons/Dangerous Instruments Policy

City of Kansas City, Missouri Weapons/Dangerous Instruments Policy

The purpose of this Policy is, pursuant to the City's rights under the law, to control the possession and/or use of weapons and dangerous instruments by its employees in the workplace and in or on other property owned or controlled by the City. It is the policy of the City that, notwithstanding any statutory or constitutional right to possess or carry weapons or dangerous instruments that City employees may enjoy as ordinary citizens, such rights do not extend into the workplace or into or on property owned or controlled by the City, except as expressly provided for under this policy.

The possession, transfer, sale or use of a deadly weapon or dangerous instrumentality, as defined below (even if licensed to carry the weapon) or any necessary for the use of such weapon or instrumentality or which could be mistaken for a deadly weapon or dangerous instrumentality is prohibited in the workplace and all City facilities, except as may be appropriate in light of the employee's job or otherwise authorized by the employee's Department Director. This includes, but is not limited to, City work sites, City sponsored events, and in City vehicles. Violation of this policy may result in disciplinary action up to and including termination.

A **deadly weapon** is defined as a firearm (including, **but not limited to**, a BB or pellet gun, loaded or unloaded) knife, baton or nightstick, or other martial arts weapons or electronic defense weapons, capable of delivering deadly force, when possession of the weapon has no authorized use in the workplace.

A **dangerous instrument or instrumentality** is defined as any instrument, instrumentality, article or substance that is capable of delivering deadly force when possession of the instrument has no authorized use in the workplace.

Each Department shall have the option to publish a list of items that have an appropriate use and are therefore authorized in the workplace and in or on City property. Such lists shall be attached as part of this Policy for those Departments that publish such lists. After publication of a departmental list, if there is any question regarding whether an instrument, article or substance is considered a weapon or dangerous instrument in violation of this policy, it is the employee's responsibility to seek clarification. Employees seeking clarification(s) should direct their questions to their Department Director or the City Security Manager at 513-1409 prior to bringing the item(s) to City work sites, and events, as well as City-owned or leased facilities or vehicles. Failure to ask for clarification prior to bringing an article, or substance found to be a weapon or dangerous instrument to the workplace may result in disciplinary action up to and including termination.

Any weapon or dangerous instrument may be confiscated. There is no reasonable expectation of privacy with respect to such items in the workplace. Employees are advised that their person, desks, workstations, offices and/or files may be subject to security searches if probable cause or reasonable suspicion is present.

Prior to implementation of this policy, employees will be provided a copy of this Policy (including the departmental list, if published) and provided training regarding its provisions. It shall be the responsibility of each Department to see that the Policy is provided and the training accomplished.

Appendix C – AR 1-16 Technology Use and Procurement

Title: Technology Use and Procurement
Effective Date: September 1, 2007

AR No. 1-16
Supersedes: AR 1-16 dated 1-2-03
and AR 3-16 dated 4-1-97

1.0 **PURPOSE:**

Compliance with this administrative regulation will encourage responsible and acceptable use of technology provided by the City of Kansas City, Mo., and will support the needs of citizens and city employees. This administrative regulation reflects a realization that efficient use of technology can:

Enhance partnership, community involvement and the exchange of information and ideas between citizens, businesses and local government.

Provide information both internally and to the public about the activities and services of the city.

Improve the quality, productivity and general cost-effectiveness of the city's work force.

2.0 **ORGANIZATIONS AFFECTED:**

All departments/divisions. This administrative regulation applies to all users.

3.0 **DEFINITIONS:**

3.1 Chief Information Officer (CIO) is a job title commonly given to the person in an enterprise responsible for the information technology and computer systems that support enterprise goals.

3.2 Enterprise Project Management Office (EPMO) This is the division of the IT Department responsible for establishing, maintaining and enforcing project management processes, procedures, and standards.

3.3 Executive Oversight Steering Committee (EOSC) - appointed by the City Manager to oversee technology initiatives.

3.4 ITD - Information Technology Department

3.5 Internet Policy Oversight Group (IPOG) This group is responsible for recommending the strategic technology direction for the City's electronic communication to the citizens and the world.

3.6 Network infrastructure - All equipment that supports the transmission of voice, video and data. This includes all access points to the network, connectivity between sites, connectivity within sites, security of the network, and security of all associated data

3.7 Technology - Any hardware and/or software associated with the transmission or storage of electronic media. This includes, but is not limited to, the city's web site, intranet, Internet service, software, e-mail, network infrastructure, telephone service, long distance service, cell phones, pagers, computers, fax machines, personal digital assistants (PDAs), copiers, connectivity to the city network and FCC Licensing.

3.8 Unauthorized Equipment or Software - Equipment or software that has not been approved in the CIO and the Executive Oversight Committee process or is not properly licensed to the department.

3.9 User - Any individual who has been given access to City technology.

4.0 POLICY:

4.1 Departmental Responsibilities:

4.1.1 Initiating Requests for Technology Procurement:

Departments and any other entities authorized to use the City's technology resources must request approval from the IT Department prior to any purchase. This process is also detailed in the Contract Guidebook and on the Intranet. If approval is not obtained prior to purchase, there will be additional costs associated with ITD software, hardware and network support. These costs will be paid by the department purchasing the unapproved technology. City technology standards may require the abandonment of the unapproved system.

4.1.2 Employees/User Adherence to AR 1-16:

Departments are responsible for maintaining signed copies of AR 1-16 for each employee. These AR's will be signed ANNUALLY by all employees and filed in their departmental personnel file. Departments will ensure that all contractors and other persons being granted access to the City's technology sign this AR and comply with the terms of this administrative regulation. AR's signed by contractors or affiliates should be filed in their contractor or affiliate file. Signed copies will be made available upon valid request.

4.1.3 Employee/User Termination of Technology Use:

When a user with any form of city technology access leaves city employment or is no longer eligible for access, the designated departmental representative must notify the Information Technology Department (ITD) Help Desk immediately.

4.1.4 Costs Incurred Due to Irresponsible or Improper Use of City Technology:

Departmental personnel should be aware that the city's technology components could be disrupted or compromised due to either malicious or unintentional acts or unapproved network connections. Departments will ensure that all changes are made in accordance with the City technology policies as stated in this document and as listed in 4.3.3. Departments are responsible for any costs for damaged or compromised technology components. This includes, but is not limited to, the

cutting of communication cables, damage to technology equipment, and improper departmental security practices.

4.2 User Responsibilities:

Users of city-supplied technology are responsible for showing reasonable effort in protecting the city's assets. This effort includes, but is not limited to, the following:

4.2.1 Initiating Requests for Technology access:

Individuals desiring any form of access to technology must first obtain approval from their department director or designee. Department directors or designated representative shall only approve ongoing access for persons who will use these city resources as a routine part of their job duties. Special use may be authorized by the department director for a limited time when needed for a special project or job assignment.

Before a person is granted any form of access to technology, the person must read and sign a copy of this administrative regulation stating that the person has read and understands its terms. AR 1-16 and associated policies will be posted on the city's intranet. These will also be provided in writing by the department upon request. Signed administrative regulation forms will be retained by departments.

4.2.2 Use of City Technology, including Electronic Communication Systems, Components, and Data:

All forms of technology are resources granted for business purposes. Technology should be used with this purpose only.

Each user of city-provided technology resource is responsible and accountable at all times for the proper use of that resource. Users are responsible for knowing and abiding by the city's AR 1-16 and policies associated with the technology. These policies are posted on the City Intranet.

Users must use all forms of technology in accordance with all applicable laws and regulations. This includes compliance with copyright and license laws covering software, data and written material accessed, obtained or provided to others via the Internet.

Users shall secure all technology components at all times. Users shall not allow unauthorized parties to use city technology components, and shall protect passwords, access codes and other authentication devices. These are provided for security and shall not be shared.

The city reserves the right to access, view and copy any user's electronic communications messages, files, data, correspondence, log files, etc. created by or stored on a city-owned electronic communication system or device. The City reserves the right to use the data and/or content for any purpose.

Users are responsible for reporting any violation of the City security policies to their supervisors. Department Directors are responsible for notifying the IT Department of security violations.

If any user has a question about the application of this Administrative Regulation, that user must seek clarification from his or her supervisor.

4.2.3 Additions, Modifications or Changes to the City's Technology and/or Components by Users:

Users shall not modify any technology system, device, or component or its configuration. Examples include but are not limited to disabling or removing virus protection or security software and attaching or installing unauthorized equipment or software.

Electronic devices or their components shall not be set to retain passwords.

4.3 Information Technology Department Responsibilities:

4.3.1 Management and Administration of City Technology Systems, Components, and Data:

The Information Technology Department is charged and entrusted with the maintenance and security of City Technology, including but not limited to:

- monitoring the use of City electronic communications resources
- preserving the City's finite resources for their primary intended uses
- restricting access by users or groups
- blocking access to internet sites
- filtering email as deemed appropriate

4.3.2 Technology Communication and Coordination

The City's Chief Information Officer will be notified of any internal security violations which could potentially compromise City technology. The CIO will notify the appropriate Department Directors for immediate correction, disciplinary action and/or possible reimbursement to the City.

The City CIO and the Information Technology Department will coordinate the Executive Oversight Steering Committee (EOSC) activities. This committee is appointed by the City Manager to review and coordinate enterprise-wide technology initiatives. ITD is responsible for providing the most current information on City technology to all Department Directors and their designees.

The City Communications Office and the Information Technology Department will coordinate the Internet Policy Oversight Group (IPOG). This group is responsible for recommending the strategic technology direction for the City's electronic communication to the citizens and the world. This includes the City Web Site technological direction.

4.3.3 Maintain Technology Intranet Information:

The Information Technology Department will maintain current policy and technology information on the City Intranet. This will include but is not limited to:

- Email policies and appropriate use
- Internet policies and appropriate use
- Network policies and appropriate use
- Cell Phones policies and appropriate use
- Web Site policies and appropriate use
- Security Policies for Desktops, Servers, Encryption and Network connected devices
- Hardware and Software Standards
- Technology Approval Process and Form
- Microsoft Enterprise Licensing Processes
- Telecommunications Chargeback Processes

4.3.4 Additional Services Provided:

Following proper request protocol, the IT Department will:

- provide details of software inventories to designated departmental representatives
- provide details regarding usage of electronic communications to Department Directors, Assistant City Managers, the City Manager or designated representative
- develop with each Department Director or designated representatives, a mutually agreeable service level agreement
- provide project management standards, toolsets and services for all major Information Technology initiatives

5.0 ACCEPTABLE USE:

The City's technology systems have been installed in order for users to conduct city business. Use of the systems is for city business purposes as described in this document. Use of the systems for educational, training or other self-improvement purposes is authorized only if previously approved by the user's department head.

Due to the dynamic nature of technology in general and the Internet in particular, please refer to the additional policies on the Intranet for more information and a current list of approved and prohibited uses.

6.0 PROHIBITED USE:

Prohibited uses of any form of electronic communication include, but are not limited to, the following:

Using the city's technology for private gain or profit or to solicit for political, religious, non-city approved charities, commercial or other non-City business purposes.

Violating the privacy of others. Users must respect the fact that Internet news group postings, certain e-mail messages, Web sites and various other communications on the Internet are public, and refrain from disclosing confidential and personal information.

Accessing, storing or forwarding electronic communication that contains offensive and/or inappropriate information/materials.

Using city electronic communications for non-business related activities including, but not limited to:

- chain letters
- greeting cards
- personal usage of internet radio, TV, games, dating services or chat
- outside e-mail services such as Hotmail, Yahoo and AOL
- subscriptions to non-business related e-mail services
- excessive use of city telephones for non-business related purposes

Using or storing files containing obscene, offensive, racial, sexual or hate language or images; engaging in ridicule; transmitting threatening, racial, sexual, obscene or harassing materials; or engaging in any form of sexual harassment; or inappropriate sexual conduct.

Interfering with or disrupting any city network or Internet users, services, programs or equipment. Disruptions include but are not limited to propagation of computer worms, viruses or other debilitating programs, and using the city network to make unauthorized entry into any other machine accessible via the network or Internet. Deliberate attempts to degrade or disrupt system performance may constitute criminal activity under applicable state and federal laws.

Due to the dynamic nature of technology in general and the Internet in particular, please refer to the additional policies on the Intranet for more information and a current list of approved and prohibited uses.

7.0 WARNINGS AND DISCLAIMERS

7.1 Privacy and Anonymity:

Users should have no expectation of privacy related to technology usage. This includes, but is not limited to, such things as:

- E-mail content
- Telephone call records
- Internet activity records
- Files stored on City equipment

The city's Internet/e-mail host computers are traceable to the city. Persons using city-provided Internet/e-mail accounts should not assume they are given any degree of anonymity. The identification of machines associated with the city can easily be accomplished.

7.2 Content and Confidentiality:

A wide variety of information exists on the Internet. Some persons may find part of that information to be offensive or otherwise objectionable. Users should be aware that the city has no control over, and therefore cannot be responsible for, the content of information on the Internet other than what we as an organization place there.

Users must understand that e-mail messages and other transfer of information via the Internet may not be secure. Encryption is required when sending confidential or sensitive communications via the Internet or Email. Check the City Intranet for the current City encryption policy.

8.0 ENFORCEMENT:

8.1 Investigations of Violations:

Departments will be responsible for the enforcement of the city's electronic communications policy. The Information Technology Department will assist in appropriate investigations, supplying usage detail and technical information where available, upon proper request from a Department Director, Assistant City Manager, the City Manager or a designee. Department directors are responsible for taking the appropriate corrective action when their staffs do not adhere to this administrative regulation.

8.2 Disciplinary Procedure for Violations:

Before any department takes disciplinary action, the Labor Relations Division of the Human Resources Department must be contacted. The Labor Relations Division will recommend appropriate discipline. If the department rejects the recommended discipline, then before imposing any discipline the department will report to the City Manager the violation, the recommendation of the Labor Relations Division, the department's intended discipline, and the department's justification for rejecting the recommendation of the Labor Relations Division.

Violations of this administrative regulation may result in disciplinary action, including termination of employment or any other appropriate action under this policy or under Administrative Regulation 1-15, Section 4.2.2 governing misuse of city equipment, or other applicable rules or regulations.

9.0 ACKNOWLEDGEMENT STATEMENT:

I have read Administrative Regulation 1-16, dated September 1, 2007. I understand this regulation establishes the terms and conditions under which I may be granted access to electronic communications, including the Internet and e-mail. I understand I will be required to sign an acknowledgement statement on an annual basis as long as I have access or could potentially have access to electronic equipment/communications provided by the City.

I understand violation of any provision may result in withdrawal of access to city electronic communications, serious disciplinary action (up to and including termination) or other legal action.

Appendix D – HIPAA

Policy for Handing Employees Personal Information Accumulated in City Department Files.

In order to accommodate an employee's concerns about the confidentiality of personal information in City files, persons having custody of employee's records and files shall:

- A. Refuse to disclose employee information unless the person requesting it demonstrates a justifiable need for releasing the information.
- B. If disclosure of file information is allowed for a good reason, the amount of information disclosed should not exceed that which is necessary to accomplish the stated goal of the one requesting the information.
- C. Associates of the custodian of the employees records are excluded from random observation of employee's private records unless, of course, a justifiable need is stated as required in above section.
- D. Using E-mail to disclose employee's private information shall be handled in accordance with these rules and the guidelines in AR 1-16.
- E. The custodian of employee's records shall keep the information in a reasonably secure filing system. Avoid any open display of the information to the casual observer on a random basis.

If it comes to the record custodian's attention, report to your supervisor any disclosures or publication of an individual's private information, in violation of these rules. Failure to do so amounts to a violation of this policy.

- F. If request are received for employees records to be used in administrative hearings or judicial proceeding, discuss it with your supervisor who will seek legal advice, if appropriate.
- G. Business Associate Contracts. When entities of persons, outside the city government staff, request employee private information records, consider with your supervisor entering into a "Business Associate" contract which would obligate the other party to protect the personal privacy rights of the city employee.

Compliance with the Health Insurance Portability and Accountability Act of 1996(HIPAA).

If your department or section is providing "health services", as defined in this Federal Act, you may be required to handle the individual employee's medical and health information file according the HIPAA regulations.

The City has identified the Health Department and the Benefits Section of Human Resources as "covered entities" under the Act, and they are handling Protected Health Information files in compliance with the regulations.

If you believe that you are handling files involved in the provision of “health services” please report to your supervisor who will confer with Clifford Dennis, the City’s HIPAA Privacy Officer, about your compliance with the Act. Mr. Dennis is with Health Department, telephone number 513-6063.

Appendix E – Family and Medical Leave Policy

CITY OF KANSAS CITY, MISSOURI FAMILY AND MEDICAL LEAVE POLICY

It is the intention of the City to comply with the requirement of the federal Family and Medical Leave Act of 1993 (FMLA). This policy sets forth the general eligibility, requirements, and procedures for City employees to obtain Family Medical Leave (FML).

I. FAMILY AND MEDICAL LEAVE:

City employees are eligible for FML as set forth in this policy. FML is a federal regulation that allows eligible employees to take up to twelve (12) workweeks per either on a rolling or calendar year basis. The City utilizes a calendar year eligibility period, which is unpaid to the extent appropriate accumulated City leave is not applied. Thus, FML can be comprised of both paid and unpaid leave. Whether it is paid or unpaid, FML will be tracked in six minute increments (1/10 of an hour.)

II. FAMILY AND MEDICAL LEAVE: MILITARY FAMILY LEAVE

a. QUALIFYING EXIGENCY LEAVE:

An eligible employee may be granted twelve (12) workweeks of leave during a calendar year, which is unpaid to the extent appropriate accumulated City leave is not applied, for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard, Reserves or active duty service members in the regular Armed Forces who are deploying to a foreign country; it does not extend to family members of military members in the Regular Armed Forces. FML can be comprised of both paid and unpaid leave. Whether it is paid or unpaid FML will be tracked in six minute increments (1/10) of an hour.)

b. MILITARY CAREGIVER LEAVE:

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of active military duty or aggravated by active duty service is entitled to up to twenty-six (26) weeks of leave during a single twelve (12) month period, which is unpaid to the extent appropriate accumulated City leave is not applied. FML can be comprised of both paid and unpaid leave. Whether it is paid or unpaid FML will be tracked in six minute increments (1/10 of an hour.)

III. ELIGIBILITY:

To be eligible for FML, an employee must have been employed by the City for at least twelve (12) months (within the past seven (7) year period) and have worked for the City at least 1,250 hours during the immediate twelve (12) month period preceding the start of the leave.

IV. ENTITLEMENT TO LEAVE:

Leave may be taken for one or more of the following reasons:

- a. Because of the birth of employee's child and in order to care for such child, if taken within twelve (12) months of the birth, taken in one block of continuous time for paternity leave;
- b. Because of the placement of a child with the employee for adoption or foster care, if taken within twelve (12) months of the placement;
- c. In order to care for the employee's spouse, registered domestic partner, dependent child of the employee, spouse or registered domestic partner, or parent, if such spouse, registered domestic partner, child, or parent has a serious health condition;
- d. Because of a serious health condition that makes the employee unable to perform the functions of the position in which employed.
- e. Because of a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- f. Because the employee is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness for whom employee must provide care.

V. LENGTH OF LEAVE AND COMPENSATION:

An eligible employee is entitled to a total of twelve (12) workweeks of FML during the calendar year. The employee must substitute accrued vacation leave, sick leave, and free day for requested unpaid FML, as set forth in paragraph VI. The remaining leave is unpaid leave.

LENGTH OF LEAVE AND COMPENSATION - MILITARY CAREGIVER LEAVE:

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of active military duty is entitled to up to twenty-six (26) weeks of leave during a single twelve (12) month period. Only twelve (12) of the twenty-six (26) weeks total may be used for a FMLA qualifying reason other than to care for a covered service member. The employee must substitute accrued vacation leave, sick leave, and free day for requested unpaid FML, as set forth in paragraph VI. The remaining leave is unpaid leave.

VI. APPLICATION OF ACCRUED LEAVE:

It is the City's intent that employees apply accrued paid leave to FML to the extent its use is allowed by the City's Human Resources Rules and Policy Manual and City ordinances. The Family and Medical Leave Policy does not expand the availability or use of paid leave beyond that existing immediately prior to the effective date of the FMLA.

Accrued leave must be applied to FML as follows:

The employee may choose any combination of accrued sick leave, vacation leave, compensatory leave and free day(s). Sick leave, vacation, compensatory leave and available free day(s) must be exhausted before leave is unpaid. In some cases of Military Exigency Leave, sick leave may not apply if time taken is for a non-medical activity. Vacation need not be exhausted before FML is unpaid if the employee becomes eligible for short-term disability (STD) benefits under the voluntary insurance plan.

VII. BENEFITS:

- a. Seniority. Employees shall continue to accrue seniority for time spent on the job for purpose of layoff.
- b. Leave Accrual. Vacation and sick leave will continue to accrue as long as the employee is compensated for at least 41 hours in a pay period (49½ hours for employees scheduled to work 99 hours in a pay period.)
- c. Benefit premium payment(s) and employee contributions will continue through payroll deduction during any period of paid leave. Once paid leave has been exhausted, voluntary insurance, pension system contributions, and accumulation of creditable service shall continue for thirty (30) days after the effective date of any unpaid leave. Thereafter, benefits will be handled as follows:
 1. Voluntary insurance and flexible spending accounts. Employee may remain a member of the group plans in which enrolled, but must continue to pay the regular employee contribution when the contribution would normally be due; if not paid within 30 days of that date, coverage may be cancelled. Pre-tax contributions to flexible spending accounts will be suspended until the employee returns to work. At that time the salary reduction per pay check will automatically adjust according to the employee's annual pledge, contributions paid year -to-date and the number of pay checks remaining in the Plan Year. The City may recover from the employee the City's contribution made during unpaid leave if employee fails to return to work for reasons other than a serious health condition or circumstances beyond employee's control. City-paid life and disability insurance will continue. All payments are to be made by check or money order and made payable to the KCMO City Treasurer and submitted to the Benefits Division of the Human Resources Department according to the Premium Payment Policy.
 2. Pension. Employee will continue to accrue time for purposes of vesting and eligibility, but not for calculation of retirement benefits. Neither the employee nor the City will make contribution.
 3. Credit Union/Deferred Compensation. An employee with any other scheduled payroll deduction is responsible for making payment arrangements directly with the company/organization.

VIII. NOTICE:

Employee should request FML by informing his or her supervisor of their need to take leave time and by completing an *Employee Request for Leave Form*. Where the need for leave is foreseeable, the request should be submitted not less than thirty (30) days before taking such expected leave. In the event thirty (30) day notice is not practicable because of lack of foreseeability of the need for such leave, the employee shall complete the *Leave Request Form* as soon as possible. Request forms may be obtained from the Benefits Division of the Human Resources Department located at 414 E. 12th Street Room 1001 Kansas City, MO 64106 or call (816) 513-1932. The City will then issue a *Response to Employee Request for Leave Form* to notify the employee requesting leave if he or she is eligible for leave under this policy. A copy of the letter will go to the Human Resources Consultant/Liaison of the requesting employee's department. Details of medical conditions will not be included in any correspondence. However, the expected duration and frequency of time off will be included in the approval letter.

If the employee is unable to request FML before or during the time such leave is taken, the employee must provide sufficient information to the Benefits Division of the Human Resources Department to determine whether the leave qualifies as FML within two (2) business days after returning to work or the employee may lose any protection s/he might otherwise have had under the FMLA. This information may also be faxed to the Benefits Office at (816) 513-1953.

IX. CERTIFICATION:

The City may require that a request for FML be supported by adequate evidence and documentation of the reason for the leave, the expected duration, frequency and other information reasonably necessary to determine whether the leave qualifies as FML. Leave requests for a serious medical condition must be supported by certification by a health care provider of the serious health condition. This certification must be submitted within fifteen (15) calendar days of the date the City provides the certification form to the employee, along with the City's *Response to Employee's Request for Leave form*.

If an employee submits a completed certification signed by the health care provider, the employer may not request additional information from the employee's health care provider. However, the Human Resources department, not the employee's supervisor, may contact the healthcare provider directly, for the purposes of authenticating and clarifying the certification, after giving the employee an opportunity to cure any deficiencies. Employee must provide the Health Care Provider (HCP) with any required Health Insurance Portability Accountability Act (HIPAA) consent for the employer to communicate with the HCP. If the employee fails or refuses to do so, the leave can be denied by the City.

If the City has reason to doubt the validity of a medical certification, it may require a second opinion and, in the event of any conflicts, a third opinion at City expense. The third opinion shall be final and binding. The second and third opinion providers may request HIPAA consent from the employee to obtain relevant medical information/records from the employee or his/her family member's health care provider.

If an employee/family member fails or refuses to give consent, the leave may be denied by the City.

If circumstances described in the original or previous certification have changed significantly, or the City receives information that casts doubt upon the employee's stated reason for the absence, then recertification will be required. Failure to provide the required initial certification may result in the denial of the FML, or delayed processing of FML request. If proper documentation is not received by the Benefits Division within a reasonable time, generally within fifteen (15) calendar days, then the work missed may be re-classified as unexcused, which could result in docked pay, discipline or termination of employment.

X. QUESTIONS REGARDING USE OF APPROVED FML LEAVE

Questions regarding whether approved leave time is being utilized appropriately should be directed to the Human Resources Benefits Office at (816) 513-1932.

XI. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) includes the Privacy Rule that protects employee personal health information (PHI.) However, it allows employers to maintain records of medical information needed to carry out its obligation under FMLA, ADA and similar laws. Since FML is administered in central HR then all medical certification forms should be maintained there and not at the employee's department.

XII. INTERMITTENT OR REDUCED SCHEDULE LEAVE:

- a. FML for personal or family illness (Sections III. c. and d.) may be taken intermittently or on a reduced schedule only when medically necessary and in minimum increments of six minutes (1/10 of an hour.) The employee will provide written reasons why an intermittent or reduced schedule is necessary. The employee and department director or designee shall attempt to work out a schedule that meets the employee's needs without unduly disrupting City's operations, subject to the approval of the health care provider.

Employees should use FML only when necessary, make every reasonable attempt to schedule medical appointments outside of work hours, inform his or her supervisor when they need to use approved leave and keep his or her supervisor informed of status during their absences, if not clear.

- b. Exempt (salaried) employees approved for intermittent FML may be allowed to use a maximum of 120 hours of Paid Leave (FEX) per calendar year for partial day absences. It is contemplated that this provision will only be used for those employees who consistently work in excess of the minimum forty hours in a workweek. Such absences will be recorded in six minute increments. Thereafter, absences will be charged to sick leave, vacation then Free Day until leave is exhausted unless an alternate order of usage is requested by the employee. After paid leave is exhausted then such absences will be coded as Excused Dock (FUS for FUF.) An exception is allowed when the employee and

supervisor mutually agree upon an alternative work schedule that is approved by the director of the employee's department.

XIII. FML TAKEN ON A HOLIDAY AND/OR SCHEDULED OVERTIME HOURS:

If an employee is on intermittent or reduced schedule FML and would otherwise be required to work overtime or holiday hours, any overtime or holiday hours not worked due to leave may count as FML. An exempt employee approved for intermittent leave will be required to use their paid leave for his/her absences unless his/her supervisor submits to the Benefits Division a memo stating that the employee's duties have not been significantly changed as a result of the reduced work schedule.

XIV. RESTORATION TO WORK:

If the FML is taken because of a serious health condition of the employee, the department may require the employee to submit a fitness for or return to duty medical certification prior to allowing the employee to return to work. Failure to supply such certification, when requested, may delay restoration to work until the employee submits the certification, or may result in termination of employment if certification is not provided timely.

In situations where the amount of leave requested is no longer necessary, or needs to be extended within the twelve (12) week period allowed, due to a change in circumstances or unless otherwise determined by the City, the employee is required to provide the City with two (2) business days' notice of the intent to return to work or other change in circumstance.

XV. BOTH SPOUSES EMPLOYED BY CITY:

If a husband and wife are both employed by the City, the total number of workweeks of leave to which both may be entitled is limited to twelve (12) workweeks during the calendar year if leave is taken to care for a sick parent (paragraph III. c.), because of birth or adoption (paragraph III. a. or b), or because of military leave (paragraph III. e or f).

XVI. RESTORATION TO POSITION:

On return from FML, an employee shall be entitled to be restored to his/her previous position or an equivalent position with equivalent pay and benefits, if the employee remains capable of performing his/her previous position at the time of requested restoration.

XVII. DENIAL OF RESTORATION:

The City may deny job restoration after FML to salaried employees who are among the highest paid 10% of all City employees if denial is necessary to prevent substantial and grievous economic injury to City operations.

XVIII. DESIGNATION OF FAMILY MEDICAL LEAVE BY CITY.

The City will, in its discretion, designate any paid leave as FML if such leave qualifies for a FML purpose, to the extent allowed by the Act.

XIX. FMLA RIGHTS VIOLATED:

When an employee believes that his rights under FMLA have been violated the employee should contact the Department of Human Resources Benefits Division. If the employee finds the violation has not been resolved with the City, the employee has the choice of filing, or having another person file on his or her behalf, a complaint with the Secretary of Labor or filing a private lawsuit pursuant to Section 107 of FMLA.

XX. GENERAL POLICY:

This policy is intended to comply with and incorporate the provisions of FMLA of 1993 and any regulations adopted pursuant to the Act. Any circumstances not covered in this written policy are governed by the conditions of the FMLA. Definition of words used in this policy is guided by the meanings set forth in the provisions and regulations of the Act. In the event of any conflict between this policy and the FMLA, the provisions of the Act shall govern. The City may require or impose any additional conditions permitted by the FMLA.

XXI. POLICY ADMINISTRATION:

The Benefits Division of the Human Resources Department has been designated as the entity to address all FMLA inquiries, determine if requested leave qualifies under the FMLA, and officially communicate with involved parties concerning a FMLA request that has been denied.

XXII. CITY APPEALS PROCEDURE:

Denials may be appealed in writing to the Director of Human Resources within 14 calendar days from the date indicated on the denial letter. The Director of Human Resources will review the appeal and issue a written ruling within 15 calendar days after receipt of the written appeal. The appeal should be sent to Director of Human Resources, 414 E. 12th Street, 12th Floor, City Hall, Kansas City, Missouri 64106, or faxed to (816) 513-1940.

XXIII. QUESTIONS REGARDING FML POLICY ADMINISTRATION

For questions regarding the City's FML policy or procedures contact the Benefits Division of the Human Resources Department located on the 10th floor of City Hall, 414 East 12th Street, Kansas City, Missouri 64106, or call (816) 513-1932.

XXIV. EFFECTIVE DATE: December 1, 2009

Appendix F – Zero Tolerance Policy Regarding Threats or Acts of Violence

City of Kansas City, Missouri Zero Tolerance Policy Regarding Threats or Acts of Violence

It is the goal of the City of Kansas City to provide a workplace in which every employee can be free from violence, threats of violence, intimidation, and/or bullying. Everyone deserves to be treated with courtesy and professionalism and the City has an expectation that, as public servants, we treat each other, citizens, suppliers, and all others with respect.

I. POLICY

The City of Kansas City (*hereinafter* “the City”) has a no tolerance policy regarding threats, acts of violence, intimidation and/or bullying. Therefore, any employee, vendor or citizen who commits an act of violence; makes a threat of physical violence against himself/herself or others; or engages in acts of intimidation and/or bullying, will be taken seriously and the threat will be dealt with without unreasonable delay. If an employee, vendor or citizen is found to have violated this policy, such actions will result in a recommendation for serious disciplinary action up to and including termination and/or criminal prosecution. In the case of a vendor, the City may recommend termination of the vendor’s contract.

The policy applies to all employees and is intended to protect any person or citizen connected with the workplace. The policy covers acts that occur in the workplace and acts that occur outside of the workplace that have a detrimental effect in the workplace.

II. DEFINITIONS

A *threat* is defined as an expression to inflict injury, harm or menace, causing a reasonable person to be placed in fear for his/her safety. Examples of threats include, but are not limited to:

- Verbal/Written Threats
 - “I’m going to get you”
 - “I’ll hurt you”
 - “I know where you live”
 - “I’ll see you after work”
 - “You better watch your back”
 - “I’ll shoot up this place”
 - “I’m going to kill myself”
 - Intimidation/bullying/personal attacks (angry outbursts, excessive profanity, belittling or name-calling)
 - Cyber bullying – posting or sending abusive/threatening messages electronically through any means, including the use of social media
- Non-verbal Threats
 - Taking a fighting stance
 - Making a threatening gesture (e.g., balling up fists, pointing at someone as if shooting at them)
 - Displaying or leaving items that suggest the intent to inflict harm/injury (e.g., bullet casings, hangman’s noose, voodoo dolls)

- Moving aggressively towards a person or invading another person's personal space causing a reasonable person to feel intimidated (e.g., standing too close or looming over a seated person)
- Impeding/blocking/trapping someone's movement
- Menacing stare
- Extortion, damage or stealing of money and/or possessions
- Stalking, including through electronic means

An *Act of Violence* is defined as the intentional use of physical force or power against another person or property that results in, or has a high likelihood of resulting in injury, harm, abuse or destruction. Examples of acts of violence include, but are not limited to:

- Pushing/hitting/punching
- Shoulder/chest bumps
- Throwing things
- Pounding one's fist on a desk or door; punching a wall or other surface
- Destroying property in an angry fit of rage
- Encouraging another person to perform physical acts of violence

III. PROCEDURE

If a suspected violation of this policy is heard, observed or reported, the supervisor/manager in charge of the workplace shall take whatever action(s) deemed appropriate in a timely manner to address the alleged violation until a proper internal investigation can be completed. Such action(s) may include, but are not limited to:

- Placing the accused employee(s) in an off-duty status (without pay) pending completion of the investigation¹
- Temporarily reassigning the accused employee(s) to another work location or work shift

If a citizen is believed to have made a threat, or taken physical action towards an employee, the immediate supervisor or Department Director shall be notified and, if the situation warrants, local law enforcement officials may also be notified.

All employees are strongly encouraged to report suspected violations of this policy to one or more of the following:

- A supervisor or manager, including those working out-of-class
- Department HR Liaison
- Department Director
- Security
- Department of Human Resources/Labor & Employee Relations Division, or any available Human Resources Manager

Allegations of policy violations brought to the attention of management will be investigated in a timely and thorough manner. Supervisory and management personnel are required to, without

¹ In accordance with the Human Resources Rules and Policy Manual, an employee removed from the workplace pending an investigation may, at his or her request, utilize appropriate accrued paid leave time.

unreasonable delay, report such allegations to their division manager, take prompt intermediate action(s) to address the allegation and investigate such allegations in a timely manner. Supervisors and managers may be disciplined for failure to take prompt action, or failing to report potential violations in accordance with this policy, after receiving an allegation of a violation. Investigations will be conducted confidentially to the extent that only those parties with a business need to know will be included.

IV. DISCIPLINE

If, after investigation, it is reasonably determined that a violation of this policy has occurred, a recommendation for disciplinary action up to and including termination will be submitted to the Predetermination Hearing Officer. In the case of an assault or threat, prior progressive disciplinary action need not have occurred to recommend termination of employment. Such acts may also be subject to criminal prosecution. The Department Director should contact the Director of Human Resources and/or Law Department for guidance.

Retaliation or reprisal against an employee or citizen because he or she has made a report of an alleged policy violation, or has testified, assisted or participated in any manner in an investigation of a report of a threat, act of violence, or bullying is strictly prohibited. If, after investigation, it can be reasonably determined that retaliation occurred, a recommendation for serious disciplinary action up to, and including, termination of employment against the employee who retaliated will be submitted to the Predetermination Hearing Officer.

V. EMPLOYEE ASSISTANCE PROGRAM

Every employee has the right to seek confidential assistance through the Employee Assistance Program to deal with any issues related to this policy. The Employee Assistance Program may be reached at (816) 237-2352.

Appendix G – Drug & Alcohol Misuse Testing Policy

CITY OF KANSAS CITY, MISSOURI DRUG AND ALCOHOL MISUSE TESTING POLICY (Revised 12/23/2012)

I. STATEMENT OF POLICY

It is the policy of the City of Kansas City, Missouri, to protect the public safety and the integrity, efficiency and productivity of the workplace by requiring that all employees are fit for duty while on the job. The members of Local 500 of the American Federation of State, County, and Municipal Employees recognize that the unauthorized use of drugs and/or alcohol by employees poses a threat to public welfare and the safety of department personnel. Moreover, employee involvement with alcohol or drugs while on duty can adversely affect the work environment, job performance and safety. Therefore, reporting for work or working when the employee would test positive for alcohol or prohibited drugs, or use or possession on work premises of alcohol or prohibited drugs is expressly prohibited. It is the goal of this Policy to eliminate the unauthorized use of drugs and/or alcohol in the workplace and also to prevent accidents and injuries resulting from the unauthorized use of drugs and/or alcohol.

Before being subjected to the provisions of this Policy, all employees shall be informed of its provisions. All employees shall be provided their own copy of this Policy prior to being subject to its provisions. All employees will be required to read and sign an agreed-upon consent/notification form, a copy of which is attached as part of this Policy. Employees may direct any questions regarding any provisions of this policy to the employee's supervisor(s), or the Drug & Alcohol Misuse Testing Policy Administrator.

Employees will be provided with information concerning the impact of the use of alcohol and drugs on all aspects of job performance, including job safety. Such information and training shall also be included, from time to time, as part of the employees' in-service training.

Individuals covered under this policy include but are not limited to applicants, contractors considered for hire, and all City workers whether paid or volunteer; full or part-time; regular, probationary or temporary; exempt, non-exempt or contract.

II. DEFINITIONS

ACT - means the Omnibus Transportation Employee Testing Act of 1991 and federal regulations implementing the Act as they subsequently may be amended.

ADULTERATED SPECIMEN - a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

ALCOHOL - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.

ALCOHOL TEST - an EBT or blood alcohol test conducted to determine the presence of alcohol in an individual's body.

ALTERNATIVE TESTING – The use of a blood test in lieu of a urine sample (for drug testing) or breath (for an EBT).

BAT – Breath Alcohol Technician. A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing (EBT) device

CDL - Commercial Driver's License.

COLD/HOT SPECIMEN - a urine specimen that falls outside the normal temperature range of 90°-100°F/32°-38°C.

COMPLIANCE - following all provisions of this Policy as directed by those authorized to administer this Policy.

DILUTE SPECIMEN - a specimen with creatinine and specific gravity values that are lower than expected for human urine.

DISABLING DAMAGE - damage, which precludes departure of a motor vehicle or motorized equipment from the scene of the accident in its usual manner after simple repairs. Including damage to motor vehicles that could have been driven, but would have been furthered damaged if so driven. Excluding: (1) Damage which can be remedied temporarily at the scene of the accident without special tools or parts; (2) Tire disablement without other damage even if no spare tire is available; or (3) Damage to headlamp, taillight, turn signal, horn, or windshield wipers, which makes them inoperative.

DOT - the U.S. Department of Transportation.

DOT REGULATED EMPLOYEE – any employee required to possess a Commercial Driver's License (CDL) or a first line supervisor of any employee required to possess a CDL.

DRUG - any substance, including but not limited to substances controlled by federal or state law, for which the unauthorized possession, sale, manufacture, distribution, dispensation or use is illegal, or inappropriate including prescription drugs.

DRUG AND ALCOHOL MISUSE TESTING POLICY ADMINISTRATOR (Policy Administrator) the employee authorized by the Director of Human Resources to administer the City's Drug and Alcohol Misuse Testing Policy, and to act as liaison between the medical and/or EAP service providers, City departments, and employees.

DRUG TEST - a test to determine the presence of prohibited drugs in an individual's body.

EBT – Evidential Breath Testing Device. A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations.

EMPLOYEE - any person appointed to a non-elected position with the City of Kansas City. This includes all City workers whether paid or volunteer; full or part-time; regular, probationary or temporary; exempt, non-exempt or contract.

EMPLOYEE ASSISTANCE PROGRAM (EAP) - any program or facility recognized by the City and the Union representing an affected employee that provides assistance and referral services for City employees for psychological, social or addiction problems.

FOLLOW-UP TEST - an unannounced drug and/or alcohol test based on a previously submitted positive drug or alcohol test. The frequency of such follow-up testing is determined by the Substance Abuse Professional (SAP), with at least six unannounced tests in the first 12 months following a return to duty. After the first year, the SAP may terminate this requirement or continue follow up testing for another four years.

HHS – the U.S. Department of Health and Human Services.

LEGITIMATE MEDICAL USE - use of a drug that has been properly prescribed/obtained, used in the manner for which it was intended, and is determined by the MRO to be for therapy or control of a medical condition.

MEDICAL REVIEW OFFICER (MRO) - a licensed physician, who has received specialized training in substance abuse and is certified to receive and interpret laboratory results.

NATIONAL INSTITUTE ON DRUG ABUSE (NIDA) – a component of the U.S. Department of Health and Human Services (HHS) that is charged with conducting research and ensuring the dissemination of the results of that research to improve drug abuse and addiction prevention, treatment, and policy.

POSITIVE ALCOHOL TEST - a blood alcohol test or evidential breath alcohol test showing a blood alcohol level at or above .04 gm/dL (40 mg/dL) or such lower number as may be required in subsequent federal or state regulations.

POSITIVE DRUG TEST - a test that is laboratory positive for a prohibited drug according to federal rules and in the opinion of the MRO there is no legitimate medical use of the drug. A drug test shall be deemed laboratory positive based upon the following standards, which are subject to change in accordance with subsequent Federal or State regulations:

<u>DRUG</u>	<u>SCREENING TEST</u>	<u>CONFIRMATION</u>
Amphetamines	500ng/mL	250 ng/mL
Marijuana/Cannabis	50 ng/mL	15 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Opiates/Narcotics	2000 ng/mL	2000 ng/mL

PCP

25 ng/mL

25 ng/mL

POSSESSION - the presence of an illegal substance or alcohol on the individual's person, or in his/her personal effects, or other area under the reasonable control of the individual (i.e., the employee's desk, City vehicle, locker, etc.)

PRESCRIPTION DRUG - a drug that is prescribed by a licensed medical practitioner.

PROHIBITED DRUGS - marijuana and its metabolites in any form; cocaine; amphetamines including methamphetamine; opiates/narcotics; phencyclidine (PCP).

RANDOM TEST - drug and/or alcohol tests performed on employees while on duty and without advance warning. Employees shall be selected by a scientifically valid method.

RANDOM TEST POOLS – two separate and distinct groups of employees consisting of 1) DOT regulated and 2) Safety-Sensitive employees, used for selection of random drug and alcohol tests.

REFUSAL TO SUBMIT (to alcohol and/or drug testing) – means:

1. Failure to report to the testing facility in a timely manner when directed to do so without a compelling reason as determined by the Policy Administrator;
2. Leaving the testing facility before submitting an adequate sample of urine and/or breath for testing without first receiving authorization to leave from the Policy Administrator;
3. Failure to provide an adequate sample of breath or urine for testing without a valid medical explanation after the applicant or employee has received notice of the requirement for testing in accordance with this Policy;
4. Engaging in conduct that clearly obstructs the testing process by:
 - (a) Submitting or attempting to submit a sample that is determined to be cold/hot, substituted, or adulterated.
 - (b) Bringing or attempting to bring to the testing facility packaged urine, prosthetic devices, or any foreign substances that may be used to mask drugs or circumvent the testing process.

SAFETY-SENSITIVE FUNCTION - any function of an employee's job duties performed on a routine, intermittent, part-time, temporary or emergency basis, which, if performed when impaired by drugs or alcohol, could directly endanger the safety of the employee, other employees or the general public. Safety-sensitive functions include but are not limited to the following:

1. Operation, maintenance or controlling movement of any motor vehicle for which a commercial driver's license is required;
2. Operation of motorized vehicles or equipment in an airfield operations area or airfield operation; maintenance or controlling movement of an emergency vehicle;
3. Using and/or carrying a firearm; control, supervision or direct contact with inmates (correctional officers, municipal court bailiffs, etc.);
4. Control over, work with, or responsibility for toxic or hazardous substances as defined by federal regulation;
5. Receiving or dispatching calls for emergency service or traffic control;
6. Control, supervision, training or participation in the mitigation of emergency and public safety situations;
7. First line supervision of any employee in a safety-sensitive position;
8. Control, supervision or direct contact with children and/or the elderly;
9. Control over, work with, or responsibility for dangerous or hazardous equipment and environments; or inspections of buildings, public facilities, and public works projects (engineers, food inspectors, etc.);
10. Any other job duties deemed to be Safety Sensitive by the Human Resources Department in consultation with representatives of AFSCME Local 500.

SAFETY-SENSITIVE POSITION - a position that requires the performance of any safety-sensitive function as designated by the Human Resources Department.

SAP - Substance Abuse Professional. A certified professional who has received specialized training in substance abuse and evaluates employees who have violated the Drug & Alcohol Policy and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

SPLIT SAMPLE – in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

SUBSTITUTED SAMPLE – a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

SUPERVISOR - a management employee one level or more outside the bargaining unit.

WITNESSED (DIRECTLY OBSERVED) COLLECTIONS – a urine collection conducted for a drug screen that is observed by a same gender clinician in accordance with 49 CFR Part 40.67.

III. PROHIBITIONS

Employees are prohibited from:

- A. Reporting for duty or remaining on duty when the employee would test positive for alcohol or any prohibited drug;
- B. Using drugs during on-duty periods except when used pursuant to the instructions of a licensed medical practitioner who has advised the employee that the drug will not adversely affect the employee's ability to safely perform the duties of his or her position;
- C. Consuming alcohol within four (4) hours of reporting for duty if they occupy a DOT regulated or safety-sensitive positions;
- D. Possessing or consuming alcohol or prohibited drugs while on duty, on workplace premises, while driving or repairing a motor vehicle, or while engaged in City business;
- E. Consuming alcohol within the eight hours immediately following a vehicular accident that may require Post-Accident Testing, or until the employee undergoes a Post-Accident alcohol test, whichever is first; and
- F. Refusing to submit to a drug and/or alcohol test as required by this Policy.

IV. SPECIAL PROHIBITION

No employee who is in a DOT regulated or safety-sensitive position who submits an EBT or blood alcohol test which has an alcohol concentration of 0.02 gm/dL or greater but less than 0.04 gm/dL shall perform or continue to perform a safety-sensitive function until the start of the employee's next regularly scheduled duty period but not less than twenty-four (24) hours following administration of the test. During this 24-hour period, the employee may be reassigned to perform non-safety sensitive duties. If no non-safety sensitive duties are available, the employee must be removed from duty and allowed to use any accrued leave or excused dock. Submission of an EBT or blood alcohol test as described in this section shall not be considered a positive test result for purposes of this Policy. Such employee shall not otherwise be relieved from duty, reduced in pay or punitively assigned.

V. TESTING

All tests for prohibited drugs and alcohol administered under this policy shall be conducted with the approval of the City at a City approved collection site. All City collection and testing sites shall conform to Federal Regulations.

VI. TYPES OF TESTING

- A. **Pre-Employment.** Any applicant who applies for employment with the City in DOT regulated positions or in positions that have been designated as safety-sensitive by the Human Resources Department (Appendix A) shall submit to a drug test as a condition of employment, including temporary, part-time, contract, volunteer and full-time positions. Only candidates who test negative for prohibited drugs are eligible for appointment.

Each candidate must sign a medical examination/drug test waiver in the Human Resources Department before he/she will be approved for a drug test. Candidates under 18 must get parental signature prior to reporting to the Human Resources Department. All candidates must report to the clinic for testing the same day he/she signs the waiver. Failure to report to the clinic the same day the waiver is signed is considered a refusal to submit to testing. Candidates falling in this category will be made ineligible for employment for one year from the date on the signed waiver. Pre-employment drug screens expire 30 days from date of original test.

- B. **Pre-Placement.** Any employee who is promoted, demoted or otherwise makes a change from a non safety-sensitive to a DOT regulated/safety-sensitive position shall submit to a drug test as a condition of such placement. The employee must submit a negative test to be eligible for placement. Any positive results reported under this section are subject to the disposition of cases outlined in Section IX.
- C. **Reasonable Cause.** Employees shall submit to drug and/or alcohol tests when in the judgment of two supervisors there is reasonable cause to believe that the employee has violated the Prohibitions on drug and/or alcohol use in Section III. If two supervisors are not reasonably available without undue delay, then one supervisor may make the determination.

Reasonable cause will be based on specific, contemporaneous, articulable observations of the appearance, behavior, speech, body odors, or performance indicators of the employee without a reasonable explanation, including but not limited to the following:

1. Physical indicators of drug or alcohol use:
 - (a) smell of alcoholic beverages, alcohol metabolites, or marijuana;
 - (b) unsteady movements (i.e. swaying or staggering);
 - (c) slurred speech;
 - (d) dilated or constricted pupils;
 - (e) decreased consciousness;

- (f) high fever or profuse sweating;
- (g) bloodshot or unusually red eyes; or
- (h) seizures (unless the individual has a known seizure disorder).

2. Behavioral indicators of drug or alcohol use:

- (a) excessive or inappropriate sleepiness or sleeping on the job;
- (b) excessive restlessness, pacing, etc.;
- (c) aggressive behavior such as hitting, spitting, or intimidation with or without physical contact;
- (d) inappropriate, incoherent or aggressive speech such as cursing, shouting, singing, etc.;
- (e) inappropriate "friendly" behavior such as hugging, kissing, patting, stroking, etc.;
- (f) paranoid behavior or excessive fearfulness;
- (g) excessive sadness, weeping, etc.;
- (h) changed mental status such that the employee does not make sense, cannot follow orders, or cannot function normally at his/her job, inability to answer simple questions;
- (i) action which is so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt normal working conditions; or
- (j) direct observation of drug or alcohol use.

3. In addition to the specific signs or symptoms set forth in subparagraphs C.1 and C.2, if the employee is exhibiting other behavioral or physical signs or symptoms which in the judgment of two supervisors provide reasonable cause to suspect drug and/or alcohol intoxication, the employee shall submit to a drug and/or alcohol test. If two supervisors are not reasonably available without undue delay, then one supervisor may make the determination. A written record shall be made of the specific, detailed observations or other indicators (including but not limited to appearance, behavior, speech or body odor) leading to a Reasonable Cause test, signed by the supervisor(s) or other official(s) who made the observations that led to the test. If such a record cannot be made immediately, the supervisor(s)

should make the record as soon as reasonably possible, and in any event within twenty-four (24) hours of the observed behavior or determination.

4. Any drug and/or alcohol test administered by law enforcement personnel during work hours, or while operating a City vehicle.
5. Use or Possession: Reasonable Cause testing may occur when a supervisor has reasonable cause to believe that use or possession of alcohol or prohibited or illegal drugs while on duty, at the work site, or during breaks or lunch either on or off the work site has occurred. Reasonable cause may be based on confidential reports, but may not be based on anonymous allegations. An employee may also be referred for Reasonable Cause drug and/or alcohol tests when drugs and/or alcohol are found in an employee's possession.
6. Reasonable Cause testing due to an accident: Testing for all accidents that do not fall under Section D or E below requires documentation of specific, detailed observations or other indicators as listed in Section VI, C.

D. **Post-Accident (DOT regulated employees only)**. DOT regulated employees who are involved in accidents during the course of employment while driving a vehicle or operating motorized equipment must be referred for drug and/or alcohol tests when the accident results in one of the outcomes listed below:

1. Any accident involving loss of human life; OR
2. Any accident involving issuance to the DOT regulated employee of a summons or citation under state or local law for a moving traffic violation arising from the accident, if that accident involved:
 - (a) Bodily injury to any person who, immediately receives medical care away from the scene; OR
 - (b) One or more motor vehicles incurring Disabling Damage as defined in this policy.

DOT regulated employees involved in accidents that require Post-Accident Testing must remain immediately available for testing, and are prohibited from consuming alcohol for the eight-hour period immediately following the accident and from taking any controlled substance, including prescription drugs, and over the counter medications unless medically excused within the 32-hour period immediately following the accident, or until they have undergone testing. This requirement is not to be construed as requiring DOT regulated employees to delay medical attention, or as prohibiting them from leaving the scene of an accident to seek help or obtain necessary emergency medical care.

All referrals for Post-Accident Testing must be made as soon as practical. Unnecessary delays are to be avoided. The following procedures must be observed in absence of timely testing:

1. If an employee is not tested for alcohol within two (2) hours of the accident, the referring supervisor must document the reason(s) for the delay and forward to the Policy Administrator immediately.
2. If an employee is not tested for alcohol within eight (8) hours of the accident, all attempts to test the employee must cease and the referring supervisor must document the reason(s) for delay and forward to the Policy Administrator immediately.
3. If an employee is not tested for drugs within 32 hours of the accident, all attempts to test the employee for drugs must cease, and the referring supervisor must document the reason(s) for the delay and forward to the Policy Administrator immediately.

E. Non-DOT Post-Accident (Bargaining Unit Employees Only). Any employee who is involved in an accident during the course of employment while driving a vehicle or operating motorized equipment shall be referred for drug and alcohol testing when:

1. The supervisor reasonably believes damage to an involved vehicle, motorized equipment or property totals \$500 or more, or
2. There is bodily injury to any person who needs immediate medical care away from the scene of the accident.

All referrals for drug and alcohol testing under this provision must be made as soon as practical. The following procedures must be observed in the absence of immediate testing:

1. If an employee is not tested within two (2) hours of the accident, the referring supervisor must document the reason(s) for the delay and forward them to the Policy Administrator within 24 hours of the accident.
2. If an employee is not tested for alcohol within eight (8) hours of the accident, all attempts to test the employee must cease and the employee's supervisor must document the reason(s) for the delay/failure to test and forward it to the Policy Administrator within 24 hours of the accident.
3. If an employee is not tested for drugs within 32 hours of the accident, all attempts to test the employee for drugs must cease, and the referring supervisor must document the reason(s) for the delay/failure to test and forward it to the Policy Administrator within 48 hours of the accident.

NOTE: Recording of Time Pending Test Results for Reasonable Cause, Post-Accident and Non-DOT Post-Accident Tests: Employees required to submit to Reasonable Cause Post-Accident and/or Non-DOT Post-Accident Testing must be immediately removed from the worksite and will be given the option of using accrued leave or excused dock until results from drug or drug/alcohol test(s) are available. If the test results are negative, the employee will be paid for any missed regular work time. If the test result is positive, the employee will not be allowed to return to the workplace until he/she has been released by his or her SAP to submit to a Return-to-Duty test and the result of the test has been reported to the Policy Administrator as negative. During the time the employee is out of the workplace, he or she shall be given the option of using accrued leave or excused dock.

- F. **Random.** DOT regulated employees and employees who either occupy safety-sensitive positions (Appendix A) comprise the Random Testing Pool. These two testing pools, 1) DOT-regulated and 2) Safety-Sensitive, are separate and distinct for the purposes of random selection, testing and reporting. Employees occupying these positions shall submit to Random drug or drug/alcohol tests as determined by a scientifically valid random selection method as long as the selected employee is on duty and performing or may perform safety sensitive/ DOT duties. Employees shall be subject to random testing after informed that they hold a position that performs a safety-sensitive function, or are considered a DOT regulated employee. Non-DOT regulated employees shall not be required to submit to more than four (4) random tests in a calendar year. DOT regulated employees must test whenever selected per DOT regulations.
- G. **Rehabilitation.** Any employee who has entered a drug or alcohol rehabilitation program as a result of an infraction under this Policy, shall submit to alcohol and drug tests on the employee's time and at the employee's expense as part of the rehabilitation program.
- H. **Return-to-Duty.** Any employee who has been removed from duty due to a positive drug and/or alcohol test must submit a negative drug and/or alcohol test before returning to duty. Return-to-Duty testing must be scheduled and approved by the Policy Administrator prior to the test being administered. Employees referred to a SAP cannot submit a Return-to-Duty test until released to do so by the SAP. All Return-to-Duty testing will be done at a City approved collection site on the employee's time and at the employee's expense.
- I. **Follow-Up.** Employees who have submitted a positive drug and/or alcohol test (including employees who are hired within 60 months of submitting a positive pre-employment drug test) shall submit to at least six unannounced Follow-Up tests in the first 12 months following the employee's negative Return-to-Duty test, (or first day of work for newly hired employees) on the employee's time and at the employee's expense.

The minimum and maximum number of Follow-Up tests is recalculated with any subsequent positive test result. The scheduling of Follow-Up tests is at the discretion of the Policy Administrator in consultation with the SAP.

VII. PROCEDURES FOR OBTAINING TEST SAMPLES

A. **Random Tests:** The Policy Administrator will contact the department liaison with the names of those employees selected for testing. The liaison will immediately inform the employee's supervisor or other designated supervisor who will without unreasonable delay inform the employee. Supervisors shall make a reasonable effort to notify the selected employee at least two (2) hours prior to the end of the employee's work shift. However, regardless of the time notified, the employee is expected to report to the collection site and submit to testing.

B. **Reasonable Cause Tests:**

1. Once an employee is requested to submit to a reasonable cause test the employee must remain in the supervisor's eye sight at all times until the employee is called to submit by the clinic staff.
2. A supervisor will drive the employee to the test site as soon as practical and remain at the test site until testing is complete.
3. If the test results are unknown or positive, a supervisor shall provide transportation home for the employee.

NOTE: Recording of Time Pending Test Results for Reasonable Cause and Post-Accident Tests: Employees required to submit to Post-Accident and/or Reasonable Cause Testing must be immediately removed from the worksite and will be given the option of using accrued leave or excused dock until results from drug and/or alcohol tests are reported. If the test results are negative, the employee's leave banks will be restored or the employee will be reimbursed for dock time. If the test result is positive, the employee will be given the option of using accrued leave or excused dock from the date the result is reported.

C. **Post-Accident Tests:**

1. Employees who are subject to post accident testing as set forth in Section VI, D and/or E will be notified by a supervisor of the need for the test. Employees who are injured as a result of an accident shall be taken for appropriate medical care as soon as possible. After the necessary treatment has been given, the test shall be performed.
2. Once an employee is requested to submit to a post-accident test the employee must remain in the supervisor's eye sight at all times until the employee is called to submit by the clinic staff.

3. A supervisor will drive the employee to the test site as soon as practical and remain at the test site until testing is complete.
 4. If the test results are unknown or positive, a supervisor shall provide transportation home for the employee.
- D. **Pre-Employment, Pre-Placement, Return-to-Duty Tests:** Such individuals shall present themselves at the test site as directed by the Policy Administrator, the Human Resources Department, or the hiring authority.
- E. **Follow-Up and Rehabilitation Tests:** Employees shall present themselves along with the Follow-Up Notification paperwork at the test site at times to be arranged by the EAP or the rehabilitation program or as directed by the Policy Administrator.
- F. **Provisions applicable to all tests:**
1. Upon notification, the employee should proceed as directed to the collection site immediately. Those employees requiring transportation will be transported by an appropriate member of management.
 2. If an employee fails to present himself/herself for testing in a timely manner, after being notified, the employee will immediately inform the supervisor or other designated supervisor and submit in writing the reasons why he/she failed to timely present for testing. The Policy Administrator will determine whether there was legitimate justification for failing to report timely. If none exists, the employee will be deemed to have refused to submit to testing and the employee shall be immediately removed from the work site and termination shall be recommended.
 3. Each individual to be tested shall present acceptable picture identification at the test site (i.e., driver's license, City identification, State or Federal issued identification).
 4. Each individual to be tested shall remain inside the testing facility, in a location designated by the clinic staff, until a sample is given and appropriate clinic staff has notified them that the testing process has been completed. If an employee believes that he/she has a valid reason for needing to leave the collection facility prior to submitting an adequate sample, the employee must contact the Policy Administrator or the Labor & Employee Relations Division of the Human Resources Department during normal work hours at (816) 513-1908, or outside of normal work hours via pager at (816) 771-3243. The Policy Administrator/Labor & Employee Relations Division will determine whether there is legitimate justification for the employee to leave the collection facility prior to submitting an adequate sample. If the employee leaves the testing facility without proper authorization from the Policy Administrator/Labor & Employee Relations Division, the employee will be deemed to have

refused to submit to testing and the employee shall be immediately removed from the work site and termination shall be recommended.

5. Attempts to delay drug and/or alcohol testing by either the employee or a supervisor shall result in disciplinary action.

G. Drug test urine sample collection:

1. Employees and candidates shall give unwitnessed urine samples, except in the following situations:
 - (a) Appropriate clinic staff has observed conduct clearly indicating an attempt by the individual to substitute or adulterate the test;
 - (b) The individual has previously submitted an adulterated or substituted specimen;
 - (c) The individual has previously submitted a cold/hot specimen;
 - (d) The individual is submitting a Return-to-duty or Follow-up test.

Witnessed (Directly Observed) collections shall be conducted by a same gender employee of the testing agency in accordance with DOT procedures. The employee must raise his or her shirt, blouse, or dress/skirt above the waist, just above the navel; and lower clothing and underpants to mid-thigh; and show the observer – by turning around – that the employee does not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position and then conduct the observed collection. The observer must watch the employee urinate into the collection container. Specifically, the observer must personally and directly watch the urine go from the employee's body into the collection container.

2. Employees unable to provide an adequate urine sample shall be required to obtain, within five (5) days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

If the employee fails to be evaluated by an approved physician or, if after being evaluated by the physician, the MRO determines that there is not a medical condition that would have precluded the employee from providing a sufficient amount of urine, the employee will be deemed to have refused to submit.

If the MRO determines that an employee has a medical issue that precludes him/her from providing a urine specimen, the employee shall be required to submit to alternative testing for all subsequent drug screens.

3. The results of a urine test for the use of prohibited drugs, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this policy, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements.

H. Alcohol tests:

1. In the event of an initial positive test, there will be a 15-minute delay; the BAT will recalibrate the test equipment and repeat the test.
2. Employees unable to provide adequate breath for an EBT shall be required to obtain, within five (5) days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient breath specimen.

If the employee fails to be evaluated by an approved physician or, if after being evaluated by the physician, the MRO determines that there is not a medical condition that would have precluded the employee from providing a sufficient amount of breath, the employee will be deemed to have refused to submit.

If the MRO determines that an employee has a medical issue that precludes him/her from being able to provide adequate breath for an EBT the employee shall be required to submit to alternative testing for all subsequent alcohol tests.

3. The results of breath or blood test for the use of alcohol, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this policy, provided such tests conform to the applicable Federal, State or local alcohol testing requirements.
4. DOT or Safety-sensitive employees who submit an EBT which has an alcohol concentration of 0.02 gm/dL or greater must notify a supervisor and remain at the testing site until they have been provided transportation by their department.
5. Non-DOT/Non-Safety-sensitive employees who submit an EBT which has an alcohol concentration of 0.04 gm/dL or greater must notify a supervisor and remain at the testing site until they have been provided transportation by their department.

- I. Time taken for Random, Reasonable Cause, and Post-Accident tests shall be considered time worked.

- J. The testing of samples shall be performed and administered only by persons and facilities certified to perform and administer such tests by the U.S. Department of Health and Human Services (HHS) or its successor.
- K. Collection of samples shall conform to HHS regulations and be conducted in a manner assuring the security of the sample and freedom from adulteration, while recognizing the employee's legitimate privacy interests. Recognized chain of custody procedures must be followed for all samples as set forth by HHS.
- L. Split Sample. An adequate portion of the original sample shall be preserved in a separate container in all cases for independent analysis, in the event of a positive drug test result. Failure to do so will invalidate the test.

VIII. REPORTING TEST RESULTS

- A. Drug tests:
 - 1. All laboratory positive test results will be reported by the testing lab to the MRO.
 - 2. Negative test results will be reported directly to the Policy Administrator.
 - 3. Positive test results:
 - (a) The MRO will attempt to contact the employee or applicant by calling the number provided by the individual. The MRO will consult with the individual to determine if the positive drug test is a result of a legitimate medical use or other reasonable explanation. If the MRO is unable to contact the employee within twenty-four (24) hours the MRO will inform the Policy Administrator. The Policy Administrator will notify the department liaison or designee to inform the employee that he/she must contact the Policy Administrator immediately. The Policy Administrator will then have the MRO and employee consult to determine the results of the drug test. The MRO will not report test results until s/he has made contact with the employee, or s/he reasonably concludes that the individual is avoiding such contact.
 - (b) The individual may request in writing a retest of the original specimen at the individual's expense at a lab independent of the authorized testing facility but which is HHS-certified. The request must be made to the MRO and/or the Policy Administrator within seventy-two (72) hours of the time the employee is notified of the positive test result. Retesting will not stop or delay disposition of the employee or applicant's case. If the retest is negative, any discipline will be reversed, removed from the employee's department and Human Resources' file and the employee will be

made whole, except that such employee shall be deemed ineligible to work overtime or out of class while the results are pending.

- (c) If the MRO determines no legitimate medical use or no other reasonable explanation of the drug exists, the results will be reported to the Policy Administrator as positive.
- (d) Results of retests will be reported by the MRO to the Policy Administrator with no further consultation with the employee or applicant.

4. Dilute Specimens: Any employee who submits a dilute specimen shall be immediately directed to take another test. Once the employee is notified, a supervisor shall immediately escort him/her to a testing site. S/he may be required to be escorted to the testing site on subsequent drug screens. The result of the second test, not that of the original test, shall become the test of record. If an employee refuses to take another test, it will be considered a refusal to submit to testing and termination shall be recommended.

B. Alcohol tests: The Breath Alcohol Technician will promptly report test results to the employee, an accompanying supervisor and the Policy Administrator.

C. All positive test results and action to be taken will be reported by the Policy Administrator to the appropriate department liaison. The Policy Administrator will inform the department liaison or designee when the employee has submitted a negative Return-to-Duty test. Once notified by the Policy Administrator, the department liaison or designee shall make every effort to contact the employee within one (1) business day to notify him/her that he/she may return to work.

IX. DISPOSITION OF CASES

Initial corrective action taken against employees who test positive for prohibited drugs and/or alcohol under this policy is designed to encourage those employees to accept necessary treatment and fully participate in any prescribed rehabilitation program.

A. Pre-employment testing:

- 1. Any applicant who refuses to submit to testing, submits a hot or cold specimen, an adulterated specimen, or obstructs the testing process shall not be hired for the position and shall not be eligible for employment with the City for one year from the date of the scheduled test.
- 2. Any applicant who submits a positive drug test shall not be hired for the position and shall not be eligible for other employment with the City until one year from the date of such test unless the applicant submits proof of successful completion of an approved drug/alcohol rehabilitation program. The applicant must submit a negative drug test as a condition of any subsequent employment.

3. Any employee who is hired for any position within 60 months from the date s/he submitted a positive pre-employment drug test shall be required to be evaluated by a SAP and must comply with any prescribed treatment program. Failure to comply with the treatment program shall result in a recommendation of termination, unless valid mitigating circumstances exist, as determined by the Policy Administrator. The employee shall also be subject to unannounced Follow-Up tests. The number and frequency of such follow-up testing shall be as directed by the SAP and consist of a minimum of six (6) tests in the 12 months following the employee's first date of work. Follow-up testing may continue after 12 months but shall not exceed 60 months from the last positive test.

B. Positive drug or alcohol test by employees in positions represented by Local Union 500:

1. Step One -- first positive test. The following shall apply:
 - (a) Employee shall be removed from duty/work site immediately, and shall not be allowed to return to duty until a negative Return-to-Duty test is submitted.
 - (b) Employee shall be mandatorily referred to an approved SAP for purposes of medical evaluation, counseling, and treatment. The Policy Administrator will notify the employee of the contact information for the EAP. The employee shall contact the EAP within two (2) calendar days to schedule an evaluation. Employee must comply with any prescribed treatment program.
 - (c) Once released to submit a Return-to-Duty test, the employee must contact the Policy Administrator to schedule an appointment and submit to the test within two (2) business days. An employee cannot submit a Return-to-Duty test until he/she is released to do so by the SAP. The cost of Return-to-Duty tests may be covered by payroll deduction.
 - (d) Employee shall be suspended for two (2) days after s/he has submitted a negative Return-to-Duty test.
 - (e) Employee shall be subject to unannounced Follow-Up tests. The number and frequency of such follow-up testing shall be as directed by the SAP and consist of a minimum of six (6) tests in the 12 months following the Return-to-Duty test. Follow-up testing may continue after 12 months but shall not exceed 60 months from the last positive test. Failure to comply with prescribed follow-up testing program will result in a recommendation of termination.

(f) Any non-disciplinary time off under this subsection shall be charged against the employee's sick leave or other accrued leave balance or, if exhausted, recorded as excused dock as long as the requirements of the policy are met. Additional time off can be charged against the employee's sick leave or other accrued leave accounts, so long as the employee remains in a formal rehabilitation program. At the City's request, an employee shall submit verification of continued enrollment in a formal rehabilitation program.

2. Step Two -- If an employee submits a positive drug or alcohol test while on Step One, the following shall apply:

(a) Employee shall be removed from duty/work site immediately, and shall not be allowed to return to duty until a negative Return-to-Duty test is submitted.

(b) Employee shall be mandatorily referred to an approved SAP for purposes of medical evaluation, counseling, and treatment. The Policy Administrator will notify the employee of the contact information for the EAP. The employee shall contact the EAP within two (2) calendar days to schedule an evaluation. Employee must comply with any prescribed treatment program.

(c) Once released to submit a Return-to-Duty test, the employee must contact the Policy Administrator to schedule an appointment and submit to the test within two (2) business days. An employee cannot submit a Return-to-Duty test until he/she is released to do so by the SAP. The cost of Return-to-Duty test may be covered by payroll deduction.

(d) Employee shall be subject to unannounced Follow-Up tests. The number and frequency of such follow-up testing shall be as directed by the SAP and consist of a minimum of six (6) tests in the 12 months following the Return-to-Duty test. Follow-up testing may continue after 12 months but shall not exceed 60 months from the last positive test. Failure to comply with prescribed follow-up testing program will result in a recommendation of termination.

(e) Employee shall be suspended for two (2) weeks after s/he has submitted a negative Return-to-Duty test.

(f) Any non-disciplinary time off under this subsection shall be charged against the employee's sick leave or other accrued leave balance or, if exhausted, recorded as excused dock as long as the requirements of the policy are met. Additional time off can be charged against the employee's sick leave or other accrued leave

accounts, so long as the employee remains in a formal rehabilitation program. At the City's request, an employee shall submit verification of continued enrollment in a formal rehabilitation program.

- (g) Employees at Step Two shall be ineligible to work out-of-class or promote into a supervisory position for a period of no less than one (1) year or until she/he has completed his/her prescribed treatment and follow up, whichever is longer.

3. Step Three -- If an employee submits a positive drug or alcohol test while on Step Two, the following shall apply:

- (a) Employee shall be removed from duty/work site immediately and shall not be allowed to return to duty until s/he has submitted a negative Return-To-Duty test.
- (b) Employee shall be mandatorily referred to an approved SAP for purposes of medical evaluation, counseling, and treatment. The Policy Administrator will notify the employee of the contact information for the EAP. The employee shall contact the EAP within two (2) calendar days to schedule an evaluation. Employee must comply with any prescribed treatment program.
- (c) Once released to submit a Return-to-Duty test, the employee must contact the Policy Administrator to schedule an appointment and submit a Return-to-Duty test within two (2) business days. An employee cannot submit a Return-to-Duty test until he/she is released to do so by the SAP. The costs of Return-to-Duty tests may be covered by payroll deduction.
- (d) Employee shall be subject to unannounced Follow-Up tests. The number and frequency of such follow-up testing shall be as directed by the SAP and consist of a minimum of six (6) tests in the 12 months following the Return-to-Duty test. Follow-up testing may continue after 12 months but shall not exceed 60 months from the last positive test. Failure to comply with prescribed follow-up testing program will result in a recommendation of termination.
- (e) Employee shall be suspended for three (3) weeks after s/he has submitted a negative Return-to-Duty test.
- (f) Any non-disciplinary time off under this subsection shall be charged against the employee's sick leave or other accrued leave balance or, if exhausted, recorded as excused dock as long as the requirements of the policy are met. Additional time off can be charged against the employee's sick leave or other accrued leave

accounts, so long as the employee remains in a formal rehabilitation program. At the City's request, an employee shall submit verification of continued enrollment in a formal rehabilitation program.

- (g) Employees at Step Three shall be ineligible for promotion or work out-of-class assignments in any positions for a period of no less than one year or until she/he has completed his/her prescribed treatment and follow up program, whichever is longer.
4. Step Four -- If any employee submits a positive drug or alcohol test while on Step Three, s/he shall be removed from the workplace immediately and recommended for termination. An employee who reaches Step Four and is terminated or resigns in lieu of termination shall have the phrase DO NOT REHIRE placed in her/his personnel file for a period of three (3) years.

C. Positive drug or alcohol test by non-bargaining unit City employees:

1. Step One -- First positive test. The following shall apply:
- (a) Employee shall be removed from duty/work site immediately, and shall not be allowed to return to duty until a negative Return-to-Duty test is submitted.
 - (b) Employee shall be mandatorily referred to an approved SAP for purposes of medical evaluation, counseling, and treatment. The Policy Administrator will notify the employee of the contact information for the EAP. The employee shall contact the EAP within two (2) calendar days to schedule an evaluation. Employee must comply with any prescribed treatment program.
 - (c) Once released to submit a Return-to-Duty test, the employee must contact the Policy Administrator to schedule an appointment and submit to the test within two (2) business days. An employee cannot submit a Return-to-Duty test until he/she is released to do so by the SAP. The costs of Return-to-Duty tests may be covered by payroll deduction.
 - (d) Employee shall be suspended for one (1) week after s/he has submitted a negative Return-to-Duty test.
 - (e) Employee shall be subject to unannounced Follow-Up tests. The number and frequency of such follow-up testing shall be as directed by the SAP and consist of a minimum of six (6) tests in the 12 months following the Return-to-Duty test. Follow-up testing may continue after 12 months but shall not exceed 60 months from the last positive test. Failure to comply with

prescribed follow-up testing program will result in a recommendation of termination.

- (f) Any non-disciplinary time off under this subsection shall be charged against the employee's sick leave or other accrued leave balance or, if exhausted, recorded as excused dock as long as the requirements of the policy are met. Additional time off can be charged against the employee's sick leave or other accrued leave accounts, so long as the employee remains in a formal rehabilitation program. At the City's request, an employee shall submit verification of continued enrollment in a formal rehabilitation program.
- 2. Step Two -- If any employee submits a positive drug or alcohol test while on Step One, she/he shall be removed from the workplace immediately and recommended for termination. An employee who reaches Step Two and is terminated or resigns in lieu of termination shall have the phrase DO NOT REHIRE placed in her/his personnel file for a period of three (3) years.
- D. Any employee who is rehired, demoted, promoted, transferred or otherwise placed into a non-bargaining unit position while considered to be on Step One, Step Two or Step Three, who is subsequently found to have submitted a positive drug or alcohol test, shall be immediately removed from the workplace and recommended for termination.
- E. Exceptions:
 - 1. An employee submitting a positive Return-to-Duty test for marijuana will have his/her test results evaluated by the MRO to determine if the results are indicative of continued drug use. If, in the judgment of the MRO, the results are not indicative of continued drug use, the result will not be considered an additional positive test. Additionally, the employee must submit a repeat drug test within 15 calendar days, unless medically excused by the SAP, for purposes of determining fitness to return to duty. The employee may continue to submit repeat drug tests for up to six (6) months. However, the employee will not be allowed to return to duty until he/she submits a negative test result. The six-month limitation upon producing a negative test result for purposes of return to duty can be extended if, in the opinion of the MRO, the individual's test results at that time are not indicative of continued drug use.
 - 2. Calculation of Steps and Discipline: Any covered employee who has submitted a positive test at Steps One, Two, or Three under this Policy and thereafter works 48 months without another infraction of this Policy, shall have the oldest of his/her infractions expunged from his/her record and the Steps recalculated. Additional prior infractions will be expunged and Steps recalculated each 12 months thereafter so long as the employee

commits no other infractions of this Policy and has fully complied with all other requirements of this Policy, including any conditions imposed by the Policy Administrator, SAP, or other recognized treatment providers. Under no circumstances may more than one (1) test result be expunged sooner than 12 months after the expungement of a prior infraction.

F. **Positive drug or alcohol test by seasonal, temporary, initial probationary, volunteer or contract employee:**

1. Any positive drug or alcohol test submitted by an employee described above shall result in termination.
2. Such employee shall have the phrase “DO NOT REHIRE” placed in his/her personnel file for a period of three (3) years in accordance with the Human Resources Rules and Policy Manual.

G. **Refusal to submit to testing:** Any employee who is found to have refused to submit to a drug or alcohol test shall be recommended for termination from employment and have the phrase “DO NOT REHIRE” placed in his/her personnel file for a period of three (3) years in accordance with the Human Resources Rules and Policy Manual.

H. **Non-compliance:** Employees must comply with any SAP prescribed treatment program. Any employee who had been determined by the SAP to be out of compliance shall be given seven (7) calendar days to come into compliance and subject to the following progressive disciplinary action:

1. First occurrence – Letter of Reprimand
2. Second occurrence – One (1) week suspension
3. Third occurrence – Recommendation of termination

Failure to come into compliance within seven (7) calendar days at any occurrence will result in a recommendation of termination.

I. **Other disciplinary action:** This Policy shall not limit or prohibit the City from imposing other disciplinary action based upon an employee's associated misconduct.

J. Any employee who feels he/she was required unfairly to submit to a drug and/or alcohol test, after taking the test may file a grievance pursuant to memorandums of understanding and the Human Resources Rules and Policy Manual.

K. Any disciplinary action taken under this Policy may be subject to the City's grievance procedures or review by the Human Resources Board as provided in the Human Resources Rules and Policy Manual and/or any applicable Memorandum of Understanding.

- L. It is the responsibility of all employees under this Policy to take whatever actions necessary to ensure a safe, drug-free workplace. To that effect, any employee who has actual knowledge that an employee has used drugs or alcohol in a manner prohibited by this Policy or has knowledge that the employee is under the influence of drugs or alcohol should notify his/her supervisor. However, any supervisor or manager who possesses such knowledge shall refer the employee for drug and/or alcohol tests. Any supervisor or manager who abuses his/her authority in requiring another employee to submit to a drug and/or alcohol test or obstructs the testing process (e.g., delaying and/or failing to notify an employee of a test) is subject to disciplinary action, including termination, under the Human Resources Rules and Policy Manual.

X. NEW HIRE VERIFICATION/PLACEMENT

- A. Any employee who leaves City service after he/she previously submitted a positive test shall be immediately placed on the disciplinary Step he/she was on at the time he/she left City service.
- B. Any bargaining unit employee terminated after Step Four or submits a positive test that would have placed them at Step Four, who returns to City employment, shall immediately be placed at Step Three. Any non-bargaining unit City employees terminated after Step Two or submits a positive test that would have placed them at Step Two, who returns to City employment, shall immediately be placed at Step One.
- C. Any employee who is terminated (or would have been terminated had he/she not resigned) for Refusing to Submit, who returns to City employment, shall immediately be placed one (1) disciplinary Step above the one he/she was on at the time he/she left City service. Employees not on a Step at the time of his/her termination after Refusing to Submit shall be placed at Step One. If this would place a bargaining unit employee at Step Four, the employee shall be placed at Step Three. If this would place a non-bargaining unit employee at Step Two, the employee shall be placed at Step One.
- D. Any applicant who is hired/rehired into City service who has previously submitted a positive test within the last 60 months shall be required to provide documentation indicating he/she has successfully completed the Return-to-Duty process.
 - 1. As a condition of continued employment, the employee must also successfully complete any SAP prescribed rehabilitation program, including follow up testing.
 - 2. Applicants who have not already successfully completed the Return-to-Duty process cannot be hired into a DOT regulated/Safety-Sensitive position.

XI. PRESCRIPTION/OVER-THE-COUNTER DRUGS

Employees who take prescription/over-the-counter drugs (medication) should use them in the manner prescribed. In addition, employees shall inquire about the drug's likely side effects (i.e., nausea, drowsiness, reduced reaction time, etc.). An employee who takes a prescription or non-prescription drug (medication) that could affect his/her ability to safely perform the duties of his/her position must report its use to the supervisors before the start of work. This precaution is necessary to avoid unnecessary risk to the employee and/or others. The City will determine if the employee can be placed in a modified duty position.

XII. SEARCH AND SEIZURE

The City reserves the right to search for alcohol or prohibited drugs when there exists reasonable cause to believe an employee is in possession of alcohol and/or prohibited drugs.

XIII. ON-CALL OR CALL-IN EMPLOYEES

Employees who are on-call or called in for duty must comply with this Policy.

- A. Employees on call: Employees who have been notified that they are "on call" must remain fit for duty and must comply with all provisions of this Policy.
- B. Call-in employees: Employees who are called in and who would not be in compliance with this Policy must notify their supervisor that they are not fit for duty and unable to work.

XIV. TEST ACCURACY AND CONFIDENTIALITY

- A. Drug and alcohol testing shall be performed at federally certified drug and alcohol testing agencies that meet the federal requirements.
- B. Selection of eligible employees for random testing shall be done by the testing agency by a scientifically valid random selection method in conformance with the federal regulations in which each employee has an equal chance of selection.
- C. Collection and testing of samples will be done in accordance with the federal regulations and this policy.
- D. Confidentiality
 - 1. The City shall maintain records of drug and alcohol tests in a secure manner so that unauthorized disclosure of information does not occur.
 - 2. An individual subject to testing may, upon written request, obtain copies of any records pertaining to his/her alcohol or drug test or authorize the provision of the copies or other information to third parties.

3. The City may disclose results of drug and alcohol tests or other information pertaining to an employee's use of drugs or alcohol to the decision maker in a lawsuit, grievance, hearing or other proceeding involving the employee and the City, including but not limited to a workers' compensation or other proceeding relating to a benefit sought by the employee or as otherwise compelled by valid legal process.
4. Disclosure that a test is positive may be made to an employee's supervisor in order to carry out the disposition of the employee's case.

XV. EMPLOYEE ASSISTANCE PROGRAM

- A. The City shall make available to the employees a recognized Employee Assistance Program or other facilities. An employee may voluntarily enter such EAP or facility without a requirement for prior or subsequent testing and without being considered to have submitted a positive test result. Such involvement shall be kept strictly confidential and shall not be made part of the employee's record. Voluntary entry into an EAP by an employee subject to this Policy will not, however, render such employee outside the scope of this Policy.
- B. Payment - The City will not pay for treatment for drug, alcohol, or psychological problems. The EAP will assist the employee in attempting to find treatment that is covered by health insurance, has sliding fee scales, or otherwise is affordable to the employee. However, the employee must pay for any portion of the treatment not covered by the City's insurance program.

XVI. EMPLOYEE TRAINING

All covered employees will receive a minimum of two (2) hours of training. The Union may assist the City in developing the training program regarding the provisions of the policy, the effects and consequences of prohibited drug and alcohol use, and the signs and symptoms that may indicate prohibited drug and/or alcohol use.

XVII. FEDERAL REGULATIONS

DOT regulated employees are subject to drug and alcohol tests and any additional regulations required by the Federal government and the Department of Transportation. Such employees shall be informed of the additional requirements. However, this Policy has independent authority to impose conditions, restrictions and discipline that may be more severe than required by Federal regulations.

Appendix H – Procedures for Reporting All City-Related Incidents, Accidents or Thefts

Title: Procedures for Reporting All City-Related AR No. 7-1

Incidents, Accidents, or Thefts

Effective Date: 02/18/05

**Supersedes: AR 7-1 (8-14-01), 7-2,
7-3, 7-5 (4-1-97)**

1.0 PURPOSE:

To establish a uniform policy for the reporting of ALL incidents involving City property and/or City employees which results in personal injury to City employees and/or members of the public and/or property damage, loss or a security incident to the City, its employees, and/or members of the public.

1.1 The purpose of reporting incidents is to provide information necessary to determine the basic causes of incidents and to recommend and implement effective corrective action in order to eliminate or mitigate future incidents of accident, injury, damage or loss.

1.2 To provide information necessary to determine the basic causes of incidents and to recommend and implement effective corrective action in order to eliminate or mitigate future incidents of accident, injury, damage or loss.

1.3 To recover property or file claims to gain insurance reimbursement.

1.4 To provide City management with incident statistics for analysis via a centralized database.

2.0 ORGANIZATIONS AFFECTED:

2.1 All departments and divisions of the City.

2.2 All City employees or citizens involved in City-related incidents. All City contracted personnel providing City-related duties or services. Utility companies and all departments/divisions of the City whose work may involve the disturbance of underground or overhead utility lines.

3.0 POLICY:

3.1 The City requires employees to report instances of accident, injury, damage, loss or security incidents occurring to, on or involving the City, City property, City employees and/or members of the public through their interaction with the City, City property, City employees or a City activity.

3.2 Incident reporting is the responsibility of every City employee. Employees are required to report all incidents/accidents covered under this policy in both of the following ways:

- Notify direct supervisor immediately, by the most expeditious means possible. Wherein the immediate supervisor is not available the employee shall make such report to the next level of management available immediately.
 - In addition the employee shall make a verbal report to the City-wide Security Office.
- 3.3 Supervisors, when receiving notification of incidents/accidents shall insure that a verbal report is made to the appropriate personnel within the department and to the City-wide Security Office as required in section 3.2 above. Supervisors shall insure an incident report form is comprehensively completed and fax as stated in section 3.6 below. If the incident/accident involves personal injury an additional verbal report shall be made to the Risk Management office. Supervisors shall insure that all such verbal reports are followed by submission of the completed report forms as designated in section 4.0 below.
- 3.4 Do not delay reporting due to limited initial information. Basic initial information such as, date, time and location of the incident as well as individuals and/or property involved should be readily available and, therefore, reportable immediately as per section 3.3 above. When additional information (such as injuries or damages not apparent at the time, investigation results, communications from others involved in or witnessing the incident/accident and/or cost information) becomes available an updated incident report is to be completed and sent in as stated in section 3.6 below.
- 3.5 Report forms must be kept readily available at ALL administrative, management and security offices and departments and in the glove compartment of any vehicle used for City business. Each City department is responsible to ensure that Incident Report forms are kept readily available at these locations for employee use.
- 3.6 Report-originating departments must fax all reports to the City-wide Security Office within two (2) working days from the date of the incident. Risk Management Division and the City-wide Security Manager will input the Incident Report information into the incident database.
- 3.6.1 If a supervisor or manager is not available for the completion/approval of the report, the incomplete document is to be FAXED within the designated time period and a completed report shall follow.
- 3.7 Report-originating departments are to forward all original reports:
- Motor Vehicle Accidents Reports and Non-City Personal Injury Reports to the Risk Management Division for filing.
 - Loss/Theft and Security Incident Reports to the City-wide Security Manager for filing.
 - Report-originating department designees are to maintain a copy of the report as a backup copy.

All additional information regarding a previously reported incident is to be FAXED to either Risk Management Division or City-wide Security Manager depending on the type of the report. Please include the original incident date and involved employees so that the staff can match it up with the original reported incident.

- 3.8 Initial investigation and cooperation by employees and supervisory personnel regarding incidents to be reported in accordance with this Administrative Regulation is required.
- 3.9 Any and all injuries to City employees must be reported on form 1271-337 (Rev 5/97), in accordance with administrative regulation 7-4, workers compensation program and distributed per form instructions. Reports are to be faxed to Workers Compensation Section of the Risk Management Division.
 - 3.9.1 Fire Department Injuries are to be faxed directly to the Risk Manager, not to the Workers' Compensation Section.

NOTE: Employees may be required to submit to drug and alcohol testing in accordance with the City's Drug and Alcohol Policy.

- 3.10 For additional information and instructions for completing the various types of reports, refer to the instruction booklet entitled "Incident Reporting". Training sessions for report writing and responsibilities will be periodically conducted by the Security or Safety Manager or Risk Management.

4.0 TYPES OF INCIDENT REPORT FORMS

There are three (3) types of incident reports:

Form No. 1271-113c, "Report of Motor Vehicle Accident"

Form No. 1271-113b, "Report of Citizen Injury"

Form No. 1271-113a, "Report of Damage, Loss/Theft or Security Incident"

- 4.1 Report of Motor Vehicles Incident/Accident - Report all motor vehicle incidents/accidents that involve the City. This includes all motor vehicle incidents/accidents involving any combination of City property, City vehicles, City employees, and/or members of the public's property/vehicles.
 - 4.1.1 Motor Vehicle Description - Motor vehicles include cars, trucks, motorcycles, motorized equipment with a steering wheel, and all self-propelled operator-driven loading apparatus. It is the responsibility of all City employees to report all motor vehicle accidents involving any of the following:
 - a. City-owned vehicles,
 - b. City-leased vehicles,
 - c. Non-City-owned vehicles operated by City employees on City business.

- d. City property and/or property belonging to members of the public that is damaged as a result of a motor vehicle accident involving City property, City employees and/or members of the public.
- e. Injury to either City employees or members of the public resulting from a motor vehicle accident involving City property or City employees.

4.1.2 The police must be notified for the following motor vehicle accidents:

- a. Accidents that occur on a public street or highway.
- b. Accidents involving members of the public or their property.
- c. Accidents involving injuries or fatalities. (Also ensure medical services are requested.)
- d. Accidents involving extensive property damage.
- e. Accidents involving criminal intent.

4.1.3. Minor vehicle damage like door dings or cracked windshields needs only to be reported on the vehicle log. An accident report is not required.

4.1.4. Motor vehicle accidents that occur on City owned property but do not involve City vehicles, employees or damage to City owned property need not be reported.

4.2 Report of Non-City Employee Injury - (that are not the result of a motor vehicle accident). Report all incidents of personal injury that occur to either City employees or members of the public and involve the City in some way but are not as a result of a motor vehicle accident. (Injury incurred as a result of a motor vehicle accident is to be reported under the category of Motor Vehicles Accidents, see 4.1. Report all other types of injuries, other than those resulting from a motor vehicle accident, under this personal injury category)

4.2.1 Include injuries to members of the public who are injured while on City property or are injured due to involvement with the City, City property, City employees or a City activity. Also include reports of City employees who are injured in the scope of their City employment.

NOTE: Any and all injuries to City employees must also be reported on form 1271-337 (Rev 5/97), in accordance with administrative regulation 7-4, workers' compensation program and distributed per form instructions. Reports are to be faxed to Workers Compensation Section of the Risk Management Division (Also see section 3.9.1 of this Administrative Regulation)

Employees may be required to submit to drug and alcohol testing in accordance with the City's Drug and Alcohol Policy.

- 4.2.2 Personal Injury Description: Bodily injury sustained by a City employee and/or a member of the public that involves City employees, City property or a City activity but is not as a result of a motor vehicle accident).
- 4.3 Report of Damage, Loss/Theft or Security Incident - Report all incidents of property damage, loss/theft or security incident that are not the result of a motor vehicle accident but involve any combination of City employees, City employees' personal property, City property and/or members of the public.
- 4.3.1 Report of damage includes reports of incidents involving damage to City-owned underground and overhead utilities, as well as privately owned utilities possibly damaged by City employees, City equipment or a City activity.
- 4.3.1.1 Damage to Property Description - An expected or unexpected event (other than a motor vehicle accident) caused by an intentional, unintentional or negligent act resulting in damage to property owned by the City or by a City employee. Include property damage to members of the public if the damage was a result of interaction with the City, City property, City employees or a City activity.
- 4.3.1.2 In some cases, it will be determined that damaged City property will not be repaired and will never be useable. When this determination has been made, the affected department's property inventory officer shall remove the item from the City's property register via a Fixed Asset Disposition Form and enter the data into the Advantage 2000 system.
- 4.3.1.3 Below is a list of common terms associated with property damage that are to be reported under this category:
- a. Unintentional - An accidental act.
 - b. Vandalism - An intentional act which damages property. Vandalism may occur by intentionally cutting, breaking, or marking property. Vandalism does not include damage to City property when a criminal act of thievery has been attempted.
 - c. Abuse - An intentional act resulting in damage to property. Abuse occurs when an individual knowingly damages equipment or an item.
 - d. Sabotage - An intentional act involving a deliberate act to manipulate a device to damage or render property not useful or obstruct normal operations.
 - e. Fire - caused by accident, negligence or inappropriate handling of flammables. (Note: Arson is reported as a loss that is a criminal act).

- f. Flood - Damage caused by any water-related incident (e.g., weather-related event or the breaking of a water pipe).
- g. Electrical Storm - Damage caused by an electrical storm.
- h. High Winds - Damage caused by high winds.
- i. Snow/Ice - Damage caused by snow or ice.
- j. Power Outage - Damage caused accidentally or intentionally by the termination of electrical power to needed location(s) or machinery.
- k. Chemical Spill - An event involving the spilling of a chemical that will involve an environmental cleanup activity by the City.
- l. Utility - Damage caused by the cutting, breaking, crushing or otherwise damaging an existing sewer, telephone, fiber optic, water, natural gas, cable television, or electrical cables or piping either above or below ground.
- m. Computer Virus – Damage caused to a City computer as a result of a virus.

4.3.1.4 Missouri State Law, Underground Facility Safety and Damage Prevention, RSMO Chapter 319.015-319.050 states, "Except in emergencies, no excavation into streets, alleys, public rights-of-way, or other locations where utility lines may be present is authorized without first contacting 1-800-DIG-RITE, 48 hours prior to the excavation".

4.3.1.5 If the excavation results in injury, damage or loss, the excavator can be held responsible if proper notification was not made in advance. Either utilities or excavators may also otherwise be subject to liability for failing to comply with the statute, under common law. REMEMBER! Call Before You Dig! 1-800-DIG-RITE (1-800-344-7483). Refer to Missouri State Law RSMO Chapter 319, Missouri One Call System, DIG-RITE requirements.

4.3.1.6 Utility Damage reporting responsibilities are the same as the responsibilities for reporting property damage above but should also include the following:

City employees/supervisors are to notify the affected or involved utility company; i.e., Missouri Gas and Energy, Kansas City Power and Light, Southwestern Bell Telephone, or Time Warner Cable, etc. immediately of the nature and extent of utility damage. This includes notification to all companies involved whether they are the owners of the damaged utility or are involved in the circumstances surrounding the utility damage that has occurred to a City utility.

4.3.1.7 Record the seven (7) digit serial number on the Incident Report, which was assigned by DIG-RITE in regard to the excavation

notification, if obtainable. The excavator should be able to provide this number if DIG-RITE was properly notified prior to the excavation. (This serial number is very important to the investigation of any utility damage due to excavation.)

4.3.2 Report of loss/theft includes - Report all incidents of loss or potential loss to the City and/or members of the public. Loss under this category pertains to personal and/or City property, money or securities that is the result of theft, attempted theft, mysterious disappearance or other unknown cause and involves any combination of the following; City employees, City property or a City activity and/or members of the public.

4.3.2.1 Loss/Theft - Criminal or Non-Criminal Description: The loss/theft of property belonging to the City, a City employee or the general public is reported under this category. The potential or suspected loss/theft of property, money or securities due to theft, attempted theft, mysterious disappearance or other unknown cause is also reported. The value of the property involved in the loss/theft is irrelevant; ALL incidents are to be reported.

4.3.2.2 If the evidence indicates that negligence contributed to the theft or loss of City-, employee- or citizen-owned property and the negligent employee is known; he/she should be given an opportunity to make a statement as part of the report. Substantiation of employee negligence may result in suspension, demotion or termination.

4.3.2.3 If the evidence indicates that the theft or loss of City-, employee-, or citizen-owned property is the result of employee theft, and the suspected employee is known, he/she are to be given an opportunity to make a statement as part of the report. Substantiation of employee theft may result in suspension, demotion or termination and prosecution.

4.3.2.4 In some cases, it will be determined that lost/stolen City property will not be recovered. When this determination has been made, the affected department's property inventory officer shall remove the item from the City's property register via a Fixed Asset Disposition Form and enter the data into the Advantage 2000 system.

4.3.2.5 When loss/theft incidents occur and the replacement value of the item is not estimated to exceed \$25.00 the narrative section (SECTION E - HOW THE INCIDENT OCCURRED) and supervisor comments (SECTION F - SUPERVISOR'S COMMENTS AND CORRECTIVE ACTIONS) portions of the incident report will not be required. Also see section 4.3.2.5 of this Administrative Regulation.

4.3.2.6 Below is a list of common terms associated with property loss/theft, which are to be reported under this category:

- a. Theft - Unauthorized removal of property (no matter how insignificant the cost) by means of stealing, burglary, embezzlement or other criminal act.
- b. Attempted Theft - Attempt to remove an item without authorization by means of stealing, burglary, embezzlement or other criminal act.
- c. Loss - An incident resulting in the loss of property belonging to the City, an employee, or a member of the public.
- d. From Building - The incident occurred in the interior portion of a building to which City employees and/or the general publics have access.
- e. From Outside Work Area - The incident occurred at a work site or area to which City employees and/or the general publics have access.
- f. From Office - The incident occurred in an interior office area to which City employees and/or the general publics have access.
- g. From Storage Area - The incident occurred in a storage area to which City employees and/or members of the general public have access. The exterior door of the storage area may have been unlocked, pried open or key opened to gain entry into the area.
- h. From Vehicle - The incident occurred from the interior of a motor vehicle to which City employees and/or the general publics have access. Doors and windows may or may not be locked. Forced entry may or may not have occurred.
- i. From Building Common Area - The incident occurred on the inside of a building common area to which that City employees and/or the general public have access.
- j. From Closet/Locker - The incident occurred in a closet or locker in a building to which City employees have access. The exterior door of the closet/locker may have been unlocked, pried open or key opened to gain entry into the area.
- k. From Closet/Locker - The incident occurred in a closet or locker in a building to which City employees have access. The exterior door of the closet/locker may have been unlocked, pried open or key opened to gain entry into the area.

4.3.3 Security Incidents -Report all security incidents or any incident that is not included in other categories listed above.

4.3.3.1 Security Incident Description: Any threat to the City, City employee, or member of the public, a security violation, or other incident not categorized in another section of this Administrative Regulation. This is to include:

- a. Suspicious activity,
- b. Physical or verbal threats,
- c. Recovered property,
- d. Unauthorized personnel,
- e. Unsecured doors, windows or vehicles,
- f. Workplace violence issues,
- g. Any other type of incident that requires documentation.

4.3.3.2 Employees are to report all suspicious activity that may lead to endangerment of the City, an employee, or the general public. Thereafter, if requested, the employee shall assist the police or security with any investigation of the incident.

4.3.3.3 The individual who discovers the incident has the responsibility to complete an Incident Report and report the incident to the police, if necessary.

5.0 REPORTING RESPONSIBILITIES:

5.1 Employee's Responsibilities:

5.1.1 Immediate assistance will be obtained from the Police Department (9-1-1) if the following occurs:

- a. Motor vehicle accident (injury or non-injury).
- b. Personal injury to an employee or member of the public (if emergency treatment is necessary).
- c. Extensive damage to a City building.
- d. Loss/Theft or attempted theft of City-owned, employee-owned or citizen-owned property.

5.1.2 Remain at the scene of the incident until the police arrive. Cooperate with their investigation.

5.1.3 Notify supervisor or dispatcher immediately.

5.1.4 Obtain identification of all witnesses or involved parties of the incident.

- a. Vehicle owners.
- b. Driver(s) of vehicles.
- c. Passenger(s) in vehicles.
- d. Injured individuals, employees or members of the public
- e. Owners of property, employees or members of the public.

f. Witnesses.

- 5.1.5 At the scene of the incident, complete the appropriate type of incident report, with the known information at the time of incident and forward the report to a supervisor by the end of your shift. If a camera is available pictures should be taken to include all angles and any physical evidence such as skid marks, point of impact, and accident related debris. Employees will use discretion when photographing in order to avoid offending others.
- 5.1.6 Incident Report forms must be kept available at all administrative, management and security offices and departments and in the glove compartment of any vehicle used for City business.
- 5.1.7 Do not delay reporting due to limited information. Report all available initial information immediately, then report any additional information as it becomes known or available. Basic initial information such as date, time and location of the incident as well as individuals and/or property involved should be readily available and, therefore, reportable immediately.
- 5.1.8 Do not sign or make statements or volunteer information to anyone except the police and/or city staff about the accident. If asked to sign papers or make recorded statements by anyone other than the police or City staff, refer such requests to the Risk Management Division.
 - a. An exception to this is if a City employee is driving a vehicle not owned by the City while on City business and is involved in a motor vehicle accident. In this instance, the owner of the vehicle is to report the accident to their insurance company using the forms and materials required by that insurance company. Such notification is in addition to, not in lieu of, the above reporting requirements.
- 5.1.9 Employees are responsible for securing any crime scene they may come upon. A "crime scene" is defined as the immediate area surrounding a crime. It is critical to an investigation that no part of the crime scene is disturbed and no items (no matter how insignificant) are removed.
 - a. If a person is the victim of a crime or presumed dead, notify police and offer first aid and medical services immediately.
 - b. Do not allow onlookers to enter the immediate area surrounding the crime scene or to disturb any articles in the area.
 - c. Request any potential witnesses to wait at the scene until the police arrive.
 - d. A supervisor must be notified immediately.
 - e. Direct police and medical services into the area, being careful to use same pathway to avoid disturbing any additional evidence.

- f. Remain at the scene until told to leave by a supervisor or the police.

5.2 Supervisor's Responsibilities:

- 5.2.1 Upon notification of an incident, the supervisor shall ensure that police and/or emergency medical response has been requested (9-1-1) for individuals who are involved in a motor vehicle accident, personal injury, extensive property damage, or a theft.
- 5.2.2 Ensure that a field copy of the appropriate report form is completed for all incidents prior to the end of the involved employee's shift. Incident Report forms must be kept available at all management and security departments and in the glove compartment of any vehicle used for City business.
- 5.2.3 All supervisors must assure all reports are completed in accordance with this regulation prior to the end of their shift.
- 5.2.4 Each department designee is to retain a copy of each report.
- 5.2.5 Do not delay reporting due to limited information. Report all available initial information immediately, then follow up with any additional information as it becomes available.
- 5.2.6 Insure that damaged City vehicles are reported to, and/or transported to the appropriate maintenance authority for a cost a estimate of damages/repairs (delineate costs for labor hours, hourly labor rate and materials) on all property damage (motor vehicle or building property). The maintenance authority will forward repair estimates to the City-wide Security. Reference the incident date and the parties involved in the incident. This will enable City-wide Security Office personnel to match the estimate to the incident report and distribute the information to the appropriate entities

5.3 Department Director's Responsibilities:

- 5.3.1 Ensure that all departmental employees/supervisors comply with this Administrative Regulation.

5.4 Risk Manager and Security Manager Responsibilities:

- 5.4.1 Risk Management shall notify the City's insurance carrier of the loss to City property according to the provisions of the insurance policy. If an insurance claim is to be filed, it shall be coordinated through the Risk Management Division.
- 5.4.2 The Risk Manager shall manage the incident logging software.

- 5.4.3 The Risk Manager and/or the Security Manager shall mutually insure that all incidents are logged into the incident logging software.
 - 5.4.4 The Security and/or Risk Manager is to notify the City Manager of all major incidents of accidents, injuries, damages, and losses.
 - 5.4.5 The Risk Manager and/or the Security Manager will regularly produce analytical reports for departments identifying accident and injury trends and recommend methods to reduce the City's exposure to risk.
 - 5.4.6 The Security Manager may wish to conduct an independent investigation of an incident, depending upon the status indicated from the Police Department.
- The Security Manager is to be notified and will oversee all major investigations, develop crime trends and make suggestions to department managers for safekeeping of items owned by the City, an employee or a citizen while on City property.

Appendix I – AR 1-18 Reasonable Accommodations for Employees/Applicants With Disabilities

REASONABLE ACCOMMODATIONS FOR EMPLOYEES/APPLICANTS WITH DISABILITIES

1.0 PURPOSE:

Establishing policy and procedures for compliance with the Americans with Disabilities Act and the Missouri Human Rights Act for qualified employees and applicants with disabilities.

2.0 ORGANIZATIONS AFFECTED:

All Departments.

3.0 DEFINITIONS:

3.1 Americans with Disabilities Act (ADA): Federal law (42 United States Code Section 12101 et seq.) passed in 1990 and amended in the ADA Amendments Act of 2008 that provides comprehensive civil rights protections to individuals with disabilities in employment and other areas. The state of Missouri has a similar law (Missouri Human rights Act, Chapter 213, Revised Statute of Missouri). This policy is designed to conform to those two laws.

3.2 Individual with a disability: A person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment

3.3 Mitigating Measures will not be considered when determining if a person has a disability or not. Mitigating measures are things such as:

- A. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices or oxygen therapy equipment and supplies;
- B. use of assistive technology;
- C. reasonable accommodations or auxiliary aids or services; or
- D. learned behavioral or adaptive neurological modifications.

3.4 Episodic or Remission. When considering whether a person whose condition is episodic or in remission is substantially limited in a major life activity, a person's limitations as they are when the condition is in the active state will be considered.

3.5 Qualified individual with a disability: A person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

3.6 Major Life Activities:

- A. In general. For purposes of paragraph 3.2, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- B. Major bodily functions. For purposes of paragraph 3.2, a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- C. Except for the corrective effects from the use of ordinary eyeglasses or contact lenses, mitigating measures may not be considered in determining whether an impairment substantially limits a major life activity. Mitigating measures include medication, use of assistive technology, reasonable accommodations or auxiliary aids or services, learned behavioral or adaptive neurological modifications. Mitigating measures also includes medical supplies, equipment and appliances, including prosthetic limbs and devices, hearing aids, cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, low vision devices (other than ordinary eyeglasses and contact lenses).

3.7 Reasonable Accommodation: A modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity, unless such modification or adjustment would cause an undue hardship on the City.

4.0 POLICY:

It is the policy of the City of Kansas City, Missouri to afford qualified individuals with disabilities an equal employment opportunity. Upon request, the City will make reasonable accommodations for our qualified current employees and job applicants with disabilities.

5.0 PROCEDURES:

5.1 Director shall mean the Director of the Human Resources Department or his/her designee.

- 5.2** An applicant desiring a reasonable accommodation in the hiring process may complete an Employee/Applicant Request for Reasonable Job Accommodation form. These forms are available in the Human Resources Department and should be returned to the Director upon completion. The applicant may also verbally request the accommodation from the interviewer or hiring authority. Interviewers and hiring authorities shall not inquire of an applicant about whether or not she/he has a disability.
- 5.3** An employee/applicant desiring a reasonable accommodation to assist him/her in performing the essential functions of the job may verbally request an accommodation from his/her supervisor. The employee/applicant may also complete an Employee/Applicant Request for Reasonable Job Accommodation form. Upon request, the Director will assist the employee/applicant in completing the form.
- 5.4** Any request made by an employee/applicant, whether verbally or in writing, shall be forwarded within two business days to the Director by the hiring authority or supervisor.
- 5.5** The Director will review each request for completeness and shall obtain all needed information related to a request.
- 5.6** The Director, in consultation with the Law Department, shall determine if the applicant/employee is a qualified individual with a disability.
- 5.7** If it is determined that the applicant/employee is a qualified individual with a disability, the Director shall meet with a representative from the department involved to review the request and determine which if any reasonable accommodation options are available. The final decision on whether or not a request is reasonable will be made by the Director.
- 5.8** The Director may consult with the applicant/employee, the City's ADA coordinator, the City Architect's Office, the department involved, and/or the Law Department as needed. Applicants/Employees desiring a reasonable accommodation have a duty to engage in the interactive process, including meeting with City representatives as requested, and providing the City with requested information and/or documentation in a reasonable amount of time. Applicants/employees failing to engage in the interactive process shall have their requests for reasonable accommodations denied.
- 5.9** The Director is responsible for corresponding with the applicant/employee and keeping him/her advised of the status of the request. The application will be processed within a reasonable time frame.
- 5.10** All documentation related to the request shall be maintained by the Director in accordance with applicable records retention laws.

6.0 APPEAL PROCESS

- 6.1** The decision of the Director as to whether an applicant/employee is a qualified individual under this policy or which if any reasonable accommodations are available may be appealed to the City Manager within 30 calendar days after the decision is placed in the mail or hand-delivered to the applicant.
- 6.2** The City Manager shall designate a member of his staff to act as the City's Reasonable Job Accommodations Hearing Officer. When the Reasonable Job Accommodations Hearing Officer receives an appeal, he/she may request assistance from other City staff as deemed necessary.
- 6.3** The Reasonable Job Accommodations Hearing Officer will review the applicant/employee's request, information received by the Director, and the Director's decision. The Reasonable Job Accommodations Hearing Officer may request additional information if necessary. The Reasonable Job Accommodations Hearing Officer will notify the applicant/employee within 15 business days after receipt of the necessary information and documentation to set up an appointment for the hearing.
- 6.4** The applicant/employee shall have the opportunity to appear in person at the hearing and shall have the right to be represented by an attorney. There shall be no formal direct and cross-examination of witnesses. The Reasonable Job Accommodations Hearing Officer can request the presence of, and question, any City employee he feels is necessary.
- 6.5** The Reasonable Job Accommodations Hearing Officer shall prepare a written determination on the appeal within 15 business days after the formal hearing and shall provide the applicant/employee and the Director with a copy of his decision.
- 6.6** The Reasonable Job Accommodations Hearing Officer's written determination shall be final.

7.0 EEOC/MCHR

- 7.1** The Director of Human Resources will notify the applicant/employee that he/she may contact the Equal Employment Opportunity Commission (EEOC) and/or the Missouri Commission on Human Rights (MCHR) regarding his/her request for a reasonable job accommodation. The applicant/employee will also be notified that he/she may contact either or both of these agencies while the City is processing the applicant/employee's request for a reasonable job accommodation.
- 7.2** The Reasonable Job Accommodations Hearing Officer's written determination shall advise the applicant/employee of his/her right to file a complaint with the EEOC and/or MCHR.

8.0 ALTERNATIVE FORMAT

Upon request to the Director, this administrative regulation and the Employee/Applicant Request for Reasonable Job Accommodation form shall be made available in an alternative format.

Appendix J – Community Partnership Initiative

COMMUNITY PARTNERSHIP INITIATIVE CITY OF KANSAS CITY, MISSOURI

Each fiscal year, any regular employee may be allowed a maximum of eight hours paid leave to volunteer with area schools, including those of their children, or to volunteer with one of the City's approved Combined Charity organizations. The employee must timely request this leave and leave shall be granted only when it will not cause undue or unnecessary imbalances in staffing levels. Employees not participating in activities for which this leave was granted to them shall have this paid leave time changed to absences without leave and appropriate disciplinary action will be taken. The department of human resources will monitor the use of the community partnership initiative and may promulgate additional requirements in its rules and regulations.

Supervisors: Approval shall only be granted if the employee is participating in a charitable/volunteer activity that benefits the institution. For example, attendance at a PTA meeting or graduation ceremony, educational classes, or to enroll children in school is **not** qualifying under this initiative. However, assisting teachers by chaperoning on field trips may be approved.

If you have any questions, please contact the Department of Human Resources at 513-1947 or via email at caryn.whitmore@kcmo.org

Employees not participating in activities for which this leave was granted to them shall have this paid leave (ECS- Employee Charity Service) time changed to dock (DOC) and appropriate disciplinary action may be taken.



**CITY OF KANSAS CITY
HUMAN RESOURCES RULES & POLICY MANUAL**

Employee Acknowledgement Form

The City has prepared this manual as an information tool for policies, benefits, and general information, which should assist you during your employment. However, neither this policy manual, nor any other City communication or practice, creates an employment contract.

These rules shall apply to all positions in the classified service in all departments, boards, commissions, and agencies of the city and to such positions in the unclassified service as may be provided. Employees in classifications within the bargaining units of Local No. 500 (AFSCME), Local No. 42 (IAFF) and Local No. 3808 (IAFF) shall also be governed by the provisions of their Collective Bargaining Agreement, where applicable and when in effect.

I acknowledge receipt of the Human Resources Rules & Policy Manual that is effective August 4, 2014.

Signature of Employee

Date

Print Name

Department

Emplid