



*Let's Cross Paths*

# **CITY OF SEDALIA MISSOURI**

## **Personnel Regulations 2023 Edition**

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**APPENDIX.....87**

**APPENDIX A ..... FLSA EXEMPT EMPLOYEE CLASSIFICATION LIST**

## **Welcome from the City**

Welcome to the City of Sedalia. We hope that your employment with us will be a happy and successful one. While our resources are directed towards serving the citizens of the City, we are also vitally concerned about the well-being of you, our employee. Every effort will be made to help you in adjusting to your job and in finding satisfaction in your work.

It is through your efforts, combined with those of other employees, that the most efficient, effective and professional services can be provided to our citizens. It is expected that the citizens will encounter courteous, pleasant, helpful and willing local government workers as they come to the city with their needs.

These personnel regulations are intended to apply to all city employees; however, some policies and/or procedures are directed towards specific employee groups (e.g., exempt or nonexempt employees, sworn officers, fire employees, etc.) and some may apply differently to one group or another. In addition, the city recognizes the need of certain departments within the city organization to have more specific policy guidelines pertaining to their respective departments.

The personnel rules and procedures are subject to unilateral change by the city as and when it deems appropriate, and as to all content covered by the rules and procedures.

Read this handbook carefully. It will help you understand your responsibilities to the city and the citizens that we serve. It will also point out the benefits and privileges that are available to you. If, at any time, you should have questions concerning the contents of this handbook, please contact your immediate supervisor.



# **Vision, Mission & Priority Statements**

## **Vision**

*“Dynamic life and comfortable living in Greater Missouri”*

## **Mission**

*The City of Sedalia is committed to meeting the needs of our community through professional leadership and operational excellence.*

*We deliver efficient, quality municipal services, create opportunities for growth and protect the quality of life which has made our community a desirable place to live.*

## **Our Priority is S.E.R.V.I.C.E.**

### **S**afety of the Public

*The city will provide for the safety of its citizens and visitors. Across all city services, protecting the people and places of Sedalia is our highest priority.*

### **E**conomic Growth

*Sedalia will promote economic development utilizing innovative and high-quality business practices to enhance the quality of life for all members of our community.*

### **R**esidential Neighborhoods

*Residential areas throughout Sedalia will be safe, diverse, and accessible for all of our citizens and will have well-maintained neighborhoods that instill a sense of pride and community.*

### **V**ibrant Downtown

*The city will support efforts to ensure that its historic downtown is well designed and pedestrian-friendly with a permanent combination of professional, commercial, residential and public uses.*

### **I**ntestments in the Future

*The city will make strategic decisions that benefit the long-term, sustainable priorities of Sedalia and will encourage partnerships within the community that do the same.*

### **C**ity Government

*City government in Sedalia will provide fair treatment and exceptional service by being efficient, accessible, responsive, accountable, and financially responsible to the community and government agencies.*

### **E**mployee Excellence

*The city honors its staff team as both the greatest asset of the city and the reason for the quality of our organization. The city supports employee development and encourages our employees to seek opportunities for personal and professional growth.*

# **Regulation 1. Organization of City Government**

The City of Sedalia is incorporated under the Constitution and laws of the State of Missouri as a third-class city. Founded by General George R. Smith in 1860 as a railroad town, Sedalia is a community rich in history and confidently pursuing its future as a 21st century city.

The City of Sedalia, founded in October 1860, is the seat of Pettis County in west-central Missouri. Located 90 miles east of Kansas City and 190 miles west of St. Louis, Sedalia's location at the intersection of US routes 50 and 65 gives residents and businesses easy access to Interstate 70, the State Capital in Jefferson City and the Lake of the Ozarks recreational area.

The city's economy continues to shift from the railroad-based economy of the 1900's to the ever-diversifying manufacturing and service economy of today. New and expanded manufacturing operations continue to grow the service industry and to attract new businesses to the community. Much of the area surrounding Sedalia continues to be active farmland, keeping Sedalia connected to its roots while driving growth forward towards its future.

The city adopted the council-administrator form of government in 1979.

## **SECTION 1.1**

### **ELECTED OFFICIALS**

Statute and ordinance provide for a mayor and eight (8) councilmembers. The mayor is elected in a citywide election for a four (4) year term while councilmembers are elected to two year, overlapping terms from their respective wards. The city is divided, by population, into four (4) wards and each ward is represented by two (2) councilmembers.

The role of the mayor is to preside over meetings of the city council and vote only in the case of a tie among the council. The mayor is the head of city government for all legal and ceremonial purposes. The mayor has the authority to veto, subject to override provisions, actions of the council. The council passes all ordinances and determines the general goals of the city.

## **Section 1.2**

## **APPOINTED OFFICIALS**

The city has, in the interest of efficient operations of the municipal government, appointed officials to serve as the management team of the city. The City Administrator and City Attorney are nominated by the mayor and confirmed by the city council. The Police Chief is nominated from a list of eligible candidates presented by the police personnel board by the mayor and confirmed by the council. The Parks and Recreation Director and the Library Director are appointed by the respective boards in accordance with their policies and procedures. The City Administrator appoints the other officials. These officials are commonly referred to as department heads. The current appointed officials for the City of Sedalia are:

- City Administrator**
- Airport Director**
- Cemetery Director**
- City Attorney**
- City Clerk**
- Community Development Director**
- Finance Director**
- Fire Chief**
- Library Director**
- Parks & Recreation Director**
- Personnel Director**
- Police Chief**
- Public Works Director**

## **Regulation 2. General Provisions**

### **SECTION 2.1**

#### **PURPOSE**

The purpose of this manual is to establish an efficient, equitable and functional system of personnel management and benefit administration that is compliant with all federal, state and local employment and labor laws. This regulation establishes the roles and functional responsibilities that support the personnel regulations and defines the scope of those regulations. The personnel regulations, when taken as a whole, constitute the personnel manual. The provisions set forth in this manual are not intended by the city to grant any employee any contractual commitment, expressed or implied, by its adoption. Guidelines may vary due to significant unforeseen events and departments may adopt additional operating guidelines beyond those defined in these regulations.

### **SECTION 2.2**

#### **SCOPE**

These regulations shall cover all employees in the service of the city except for any person who is employed under the terms of an employment contract. In the case of contract employee, the terms of the contract shall govern the employment relationship. Police merit system personnel are also subject to the rules for the police merit system, [Chapter 30](#) of the city code. Whenever there is a conflict between these regulations and the merit system, the merit system ordinances will apply.

Park department and library employees are governed by the personnel regulations established by their respective boards, duly appointed to oversee those departments.

### **SECTION 2.3**

#### **ROLE OF THE EMPLOYEE**

Every city employee is responsible to perform their assigned duties in order to meet the service delivery needs of the city. All employees will receive a copy of these regulations and their subsequent updates and will be expected to read and follow the provisions. It is the responsibility of each employee to become and remain familiar with these regulations as amended. Lack of knowledge of, or familiarity with, any provision of these regulations shall not be considered an excuse for violation of that provision.

### **SECTION 2.4**

#### **ROLE OF THE CITY COUNCIL**

The city council is responsible for establishing personnel policies. While personnel administration is the responsibility of the city staff, the city council will be the ultimate policy making authority for the city in matters pertaining to personnel administration. No major changes in the compensation plan or fringe benefits will be effective unless submitted to and approved formally by the city council through enactment of appropriate council action or adoption of the annual budget.

### **SECTION 2.5**

#### **ROLE OF THE CITY ADMINISTRATOR**

The city administrator is the chief administrative assistant to the mayor and has the general superintending control of the administration and the management of the government

business, officers and employees of the city, and is subject to the direction and supervision of the mayor. The city administrator advises the mayor and city council regarding the administration of city government and assures the development of short- and long-term plans to meet the goals and objectives of the city. In addition, he is responsible for the administration of the city's personnel program. These regulations provide for the hiring, discipline, grievance procedures, and standards of conduct of all employees. Department heads may establish special operational guidelines, consistent with these regulations, to further assure efficiency within their individual departments.

## **SECTION 2.6**

### **ROLE OF DEPARTMENT HEADS**

Department heads are expected to effectively supervise the employees of their department and to maintain appropriate working relationships. They have the authority to establish policies affecting departmental functions, provided that such policies are consistent with the city's ordinances and policies. All department rules that are personnel-related shall be in written form and provided to all impacted employees. Department heads will periodically report on any changes in duties of their employees for the purpose of updating the position's job description and compensation guidelines.

## **SECTION 2.7**

### **ROLE OF THE PERSONNEL DIRECTOR**

The personnel director is responsible for the proper administration and implementation of the city's personnel manual, compensation plan and job descriptions; and for providing appropriate recommendations on personnel matters including reviewing and making recommendations for updates to this manual as may be necessary, under the direction of the city administrator. Additionally, the personnel director shall be the point of contact for employee inquiries regarding the various benefit programs and packages offered to employees of the city. In the absence of the personnel director, the city administrator will assume this role.

## **SECTION 2.8**

### **AT WILL EMPLOYEES**

Missouri law provides that employees of municipalities are hired at will and may be discharged at will. Subject to specific code sections to the contrary and then only in that specific instance, all employees serve in an at will capacity. Unless specifically so stated, nothing in these policies shall limit the City's rights of employment at will. The adoption of these regulations can in no way conflict with federal, state or local laws in that respect.

## **SECTION 2.9**

### **REVISIONS TO THE PERSONNEL MANUAL**

Revisions to these regulations will be presented to the city council for approval. If approved, revisions to the regulations will be issued to each employee by the personnel department. A current version of the regulations will also be made available to all employees electronically.

## **SECTION 2.10**

### **PERSONNEL MANUAL DISTRIBUTION**

With the issuance of each manual and any revisions to the manual, employees will be required to sign documentation verifying receipt of the manual or updates. Signed documentation will be sent to the personnel department to be placed in employees' personnel files.

## Regulation 3. Classification of Employees

### SECTION 3.1

### TYPES OF EMPLOYEES

There are three (3) classifications of city employees: full-time, part-time and seasonal/temporary.

#### A. Full-Time Employees

Full-time employees are all employees whose appointment is permanent, whose position is designed so that the employee is expected to work more than 1,500 hours per year, who provide services not limited in duration, and who fill approved and regularly funded positions. Such employees are eligible for all benefits as provided to employees of the city and others as required by law.

#### B. Part-Time Employees

Part-time employees are all employees whose appointment is permanent and whose position is designed so that the employee is expected to work less than 1,500 hours per year, who provide services not limited in duration, and who fill approved and regularly funded positions. Such employees are not eligible for benefits except the employee assistance program (EAP), partial sick leave, and those required by the Social Security administration. Part-time employees are eligible to apply for full-time positions with the city that are posted internally.

**\*\*Part-Time Parks employees are eligible for Paid Time Off (PTO).**

#### C. Seasonal / Temporary Employees

Seasonal and temporary employees are all employees whose appointment is temporary and for a period not to exceed nine (9) months. Such employees are not eligible for benefits except as provided by law and do not earn seniority with the city. Seasonal / temporary employees are eligible to apply for full-time and part-time positions with the city that are posted internally.

Independent contractors or consultants are not considered employees of the city and are not subject to these personnel regulations.

### SECTION 3.2

### FAIR LABOR STANDARDS ACT (FLSA) CLASSIFICATIONS

#### A. Exempt Employees

Employees assigned to job classifications that are designated as executive, administrative or professional are considered exempt employees under the FLSA. Exempt employees are paid on a salaried basis under the provisions of the FLSA and are not eligible to receive overtime compensation. A list of all positions that are classified as Exempt Employees is included as [Appendix A](#) of this manual.

## B. Non-Exempt Employees

All other employees are considered non-exempt and are governed by the provisions of the FLSA. Non-exempt employees are considered hourly employees and will be compensated with overtime pay or compensatory time-off in accordance with FLSA guidelines. All positions are considered non-exempt positions unless otherwise listed in [Appendix A](#) of this manual.

### SECTION 3.3

### SENIORITY

Seniority, for the purposes of these regulations, shall be determined on the basis of continuous length of service with the City, as adjusted for interruptions.

- Police and fire departments may define seniority as the continuous length of service within their departments.

Whenever there is a question of seniority, the city shall make the seniority list available for inspection to individuals having an interest therein.

The following shall not be considered as interruptions of employment or break in seniority:

- Military leave
- Authorized leaves of absence with pay
- Authorized leaves of absence without pay not to exceed three (3) months
- Authorized education leave without pay not to exceed six (6) months
- Suspension and/or dismissals withdrawn by the employer or reversed through the appeal process
- Authorized leaves of absence (unpaid) due to sickness or injury under the Family and Medical Leave Act (FMLA) as outlined in [Section 6.5](#)
- Illnesses or injuries subject to worker's compensation laws

## **Regulation 4. Appointment Procedures**

### **SECTION 4.1**

#### **EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

The affirmative action program of the city reflects the desire to continue efforts to assure that equal opportunity opportunities are made available to all minority groups. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position because of age, race, creed, color, sex, national origin, marital status, physical disability, political or religious opinions or affiliations.

The screening process, including application forms, interview / test procedures, and final selection process, as well as transfer and promotion practices, shall be constantly monitored to provide equal opportunity for all candidates.

The city shall abide by all federal and state regulations relating to affirmative action and will take steps to inform all identifiable segments of the city's population of job openings that may exist.

Any violation of the city's program by commission or omission shall result in appropriate disciplinary action being taken against the individuals involved which may result in discharge.

### **SECTION 4.2**

#### **DRUG-FREE WORKPLACE**

The city is established as a drug-free workplace. The use of, or impairment by, alcohol or controlled substances is strictly prohibited. The city maintains an alcohol and controlled substance testing program as outline in [Section 7.15](#).

### **SECTION 4.3**

#### **POSITION VACANCIES**

Supervisors are expected to train employees to assume greater responsibilities, if possible.

Department heads shall immediately notify the personnel department when a position becomes vacant. Where appropriate, the city administrator may appoint an employee to serve in an acting capacity pending a permanent appointment to fill the vacancy. Appropriate compensation for any such interim period shall be determined by the city administrator in consultation with the department head.

### **SECTION 4.4**

#### **RECRUITMENT AND POSITION POSTINGS**

It is the goal of the city to recruit and hire the most qualified individual for each vacancy available with the city. The city considers and evaluates the knowledge, skills, abilities and work/performance history of all candidates for position vacancies. It is the preference of the city to fill vacancies from within the organization whenever possible.

All postings shall include the position title, department, employee type, salary grade, posting date, closing date and any relevant application instructions.

Job postings will be posted as specified below. No hiring decisions shall be made until after a position posting has closed.



If a vacancy occurs for a position where there is an active eligibility list based on established testing procedures, the vacancy may be filled by selecting the next candidate who is eligible for hire. No posting is required in such a case.

**A. Internal position postings**

Job vacancies within a department will be posted citywide in conspicuous places so that all city employees will have an opportunity to know of the vacancy. Electronic (e-mail) and bulletin board postings shall be considered appropriate posting for the purposes of this section. Internal position postings will be posted for a minimum of five (5) business days.

**B. External position postings**

Positions posted externally shall be posted with local media sources and appropriate trade-related publications or organizations. External position postings will also be posted for internal candidates to consider utilizing the posting methods required for internal position postings; however, external position postings will be open for a minimum of ten (10) business days. All applications for external position postings, including applications from internal candidates, will be due at the end of the established posting period.

**SECTION 4.5**

**INTERNAL CANDIDATES / TRANSFERS**

While it is the preference of the city to fill vacancies from within the organization whenever possible, the city shall interview and hire the candidates who best fit the needs of the city.

Internal candidates interested in a vacancy must apply for the position in accordance with the application instructions to be considered for the position. To be eligible for transfer to another department, an employee must apply for the position; meet the minimum qualifications for the vacancy, and the employee's present department head must agree to the arrangements for the transfer. In addition, employees who are on probation may not be considered for a transfer unless prior approval has been received by the city administrator. In case of a disagreement between department heads, the city administrator shall make the final decision regarding the transfer.

If an employee transfers from one department to another, regardless of whether a retirement is involved, they shall be allowed to retain their seniority with the city for the purposes of calculating all leave time.

If the employee is retiring or transferring as a participant in a "LAGERS general employee retirement plan", and is transferring to another department and will still remain a participant in the LAGERS general employee retirement plan, the employee's years of service while a participant in the previous department will be used in the calculation of the employee's retirement benefits under the LAGERS general employee retirement plan.

If the employee is retiring or transferring as a participant in a "non-LAGERS general employee retirement plan", and is transferring to another department and will become a participant in the LAGERS general employee retirement plan, the employee's years of

service while a participant in the non-LAGERS general employee retirement plan will not be used in any calculation of the employee's retirement benefits under the LAGERS general employee retirement plan.

Previous seniority with the city will not apply in transfers for the purposes of any layoffs, shift preferences, or other benefits that may occur within the new job classification and the employee will still be subject to a probationary period as defined in [Section 4.8](#).

Employees who are on a leave of absence may request to be notified of job postings through the personnel department.

Work history, including, but not limited to, tenure, employee evaluations and disciplinary actions, shall be considered in evaluating internal candidates.

If two or more candidates are substantially equal, preference shall be given to the applicant within the department over an applicant from a different department. If two or more candidates are substantially equal and from the same department, preference shall be given to the applicant with seniority.

#### **SECTION 4.6**

#### **PRE-EMPLOYMENT TESTING / OTHER PROCEDURES**

The city may, for certain positions, require competitive testing of applicants to help determine the most qualified individuals.

The city may, for certain positions, also require pre-employment controlled substance and/or alcohol screening for applicants in accordance with [Section 7.15](#). In addition, a motor vehicle report (MVR) may be required on all employees prior to being hired, or who are being transferred into a driver's position with the city, to determine whether they are an acceptable driver with the city's insurance carrier.

- (a) All persons who become members of the fire department after the establishment of the firefighters' retirement fund shall be required to take a pre-employment physical examination by a physician selected by the city administrator, and such physical examination shall include, but is not limited to:
  - (1) A complete history and physical examination;
  - (2) Blood tests, including CBC, Chem-3 profile or SMAC;
  - (3) Blood pressure test;
  - (4) Urinalysis;
  - (5) Pulmonary function testing;
  - (6) Chest X-ray;
  - (7) Prostate or gynecological examination, as the case may be;
  - (8) Tuberculosis test; and
  - (9) Eye and hearing tests.
- (b) Each member of the fire department, including present members and future members shall undergo similar physical examinations or special physical examinations when reasonably requested to do so from time to time by the board, fire chief or city administrator. All of the results and records of any such physical examinations shall be furnished to the board of trustees, and the same shall be kept as part of the closed personnel records of the board of trustees and the city.

Positions subject to pre-employment testing, MVR checks or other procedures shall be clearly indicated in the position posting.

#### **SECTION 4.7**

#### **PLACEMENT PROCEDURES**

Applications and information pertaining to vacant positions will be made available by the personnel department to job applicants. The personnel department will receive job applications unless otherwise designated in the application instructions.

The department head, in conjunction with the personnel director, will establish an applicant screening process appropriate to the position to be filled. The screening process may involve written tests, psychological tests, physical assessment testing, background checks, oral interviews, and other appropriate measures as allowed by law. A selection committee may be used to assist in the hiring process.

Upon completion of the screening process and prior to extending a job offer, the department head will recommend to the city administrator an individual to fill the vacant position. The personnel department will maintain a record of all applications. Individual department shall be responsible for maintaining any testing material, interview sheets and the initial applications in accordance with the records retention guidelines issued by the secretary of state's office.

Current city employees are encouraged to apply for vacant positions for which they are qualified. An employee's past service will be considered in the applicant reviewing process.

The city administrator shall approve all regular and temporary full-time employee appointments.

#### **SECTION 4.8**

#### **PROBATIONARY PERIOD**

All permanent employees shall be subject to an initial probationary period that shall last for a period of six (6) months from the date of the employee's appointment to a permanent position. Police merit system employees shall serve a twelve (12) month probationary period as outlined in [Section 30.53](#) of the City of Sedalia code of ordinances. The purpose of the period is to evaluate the employee's performance and to determine whether the employee shall remain an employee of the city or be separated from employment.

A department head may recommend an extension of the probationary period when the initial probationary period does not provide sufficient evidence of an employee's performance. An extension of no more than three (3) months may be granted with the approval of the city administrator.

During this period, an employee may be separated at any time, without prior notice, at the discretion of the department head and city administrator. A probationary employee may not appeal a termination.

At the conclusion of this probationary period, the employee shall receive an employee evaluation in accordance with [Section 5.2](#). Any additional step increase for a probationary employee after the completion of a satisfactory performance evaluation is subject to the budget that has been adopted by the mayor and city council.

## **SECTION 4.9**

## **RE-EMPLOYMENT OR REINSTATEMENT**

The past service of former employees, including, but not limited to, tenure, employee evaluations and disciplinary actions, shall be considered in the applicant screening process.

A reinstated employee shall be paid at a salary rate within the salary grade for the position in which he/she is reinstated.

## **SECTION 4.10**

## **EMPLOYMENT OF RELATIVES**

### **A. Elected and Appointed Officials**

Department heads shall not hire a member of the family of the mayor, a city council member or the city administrator.

An employee who is in the immediate family of the mayor or a city council member and who was employed prior to the elected official taking office may retain employment with the city.

Employment of relatives of elected officials is subject to the provisions of the constitution of the State of Missouri and applicable Missouri statutes.

### **B. Staff Members**

No person shall be hired, transferred, or otherwise appointed who is a member of the immediate family of an employee in the same department. The provisions of this section shall not be retroactive, and no action shall be taken concerning those members of the same family employed at the time of the adoption of this section.

If two employees marry while working in the same department, one must transfer to another department within sixty (60) calendar days of their marriage if both are to continue working for the city. If no position is available for which one of them is qualified, one of the employees shall be separated from the city. If neither employee separates voluntarily, the employee with a lesser duration of service shall be separated. Any employee separated as a result of this section shall be eligible for future rehire as long as that action would not result in a violation of city policy or ordinances.

### **C. Seasonal Employees**

The prohibition against employing immediate family members does not apply to seasonal employees so long as the applicant is not a member of the immediate family of a full-time employee in the same department.

### **D. Definition**

For the purpose of this section, immediate family members are defined to include a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepmother, stepfather, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent or grandchildren, first cousins, aunts, uncles.

## SECTION 4.11

## WORKPLACE RELATIONSHIPS

The city expects employees to work together to achieve the goals of the city and provide quality, consistent customer service to the citizens of Sedalia. The city recognizes that relationships occur between employees, whether by family, marriage or of a consensual nature, and may occasionally disrupt city business. The city will take appropriate action to maintain a positive working relationship among its employees and to prevent disruption of city business.

### A. Family Members

As a large employer, the city does have members from the same family working for it. However, employment of family members in situations where one family member has direct influence over the other's condition of employment (i.e. salary, hours worked, shifts, supervision, etc.) is inappropriate.

For the purposes of this policy, family members shall mean the following: spouse, domestic partner, children, step-children, foster children, son or daughter-in-law, parents, grandparents, grandchildren, sisters, brothers, father-in-law, mother-in-law, aunts, uncles, and first and second cousins.

In some cases, a concern over conflict of interest may occur involving other close relatives such as aunts, uncles, cousins, or relatives by marriage or other members as defined above. In any case, when an employee is unsure of a potential conflict, they must promptly report the circumstances in writing to their supervisor. If the supervisor is one of the relatives, and the employee is unsure whether there is the potential of a conflict, they must promptly report the circumstances in writing to the city administrator.

If one family member has influence over another family member's conditions of employment, the following will occur:

In collaboration with the supervisor, the involved employees will be provided thirty days to make a decision regarding a change. Options include, but are not limited to:

- one employee may apply to transfer to another unit, shift or another department if a transfer is available, or,
- the reporting structure in the department is revised so that one employee no longer has direct influence over the other employee's conditions of employment.

If a decision is not reached by the end of the thirty-day period, the department head, or the city administrator if the department head is one of the involved employees, will resolve the situation in the best interest of the city

## B. Relationships at Work

1. Employees are encouraged to socialize and develop professional relationships in the workplace provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace. Employees who engage in personal relationships, (including romantic and sexual relationships), should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about favoritism, bias, ethics and conflict of interest. In cases of doubt, advice and counsel should be sought from the department head, and if the department head is not available then from the city administrator.
2. Romantic or sexual relationships between employees where one individual has influence or control over the other's conditions of employment are inappropriate. These relationships, even if consensual, may ultimately result in conflict or difficulties in the workplace. If such a relationship currently exists or develops, it must be promptly reported to the department head and the city administrator within fifteen days.

## C. General

If a relationship is deemed to be, or becomes inappropriate, the department head or the city administrator will take appropriate action. Actions taken may include, but are not limited to, an agreed upon transfer, a change in shift, a change in reporting structure, or discharge.

If an employee, whether or not involved in the relationship, believe they have been, or are being, adversely affected, they are encouraged to contact the city administrator or the personnel department.

When relationships develop into situations that may be viewed as harassment or discrimination, employees should refer to the city's policy on harassment listed in the personnel regulations for all city employees. If questions or concerns arise regarding potential harassment or discrimination, the employee should contact the personnel office as soon as possible.

Failure to voluntarily and promptly report a consensual social relationship as required above may result in immediate transfer or termination of one or both employees.

## D. Definitions

**Consensual Social Relationship** - A relationship in which both employees voluntarily and mutually consent including, but not limited to, dating, romantic relationships, sexual intimacies, marriages ending in dissolution, and persons living in the same household.

**Disruption of City Business** - A consensual social relationship may be considered as disrupting city business when such relationship causes: work disruptions; individual job performance to suffer; tension, uneasiness, or strife between employees in and

outside the relationship; actual or perceived favoritism between the employees in the relationship; business decisions actually made or perceived to be made based on emotions or the relationship rather than on facts; an actual conflict of interest; the appearance of a conflict of interest based on the perception of employees or the public; the potential for sexual harassment complaints; or the like.

A family relationship, as defined above, may be considered as disrupting city business when such relationship causes: work disruptions; individual job performance to suffer; tension, uneasiness, or strife between employees in and outside the relationship; actual or perceived favoritism between the employees in the relationship; business decisions actually made or perceived to be made based on emotions or the relationship rather than on facts; an actual conflict of interest; the appearance of a conflict of interest based on the perception of employees or the public; or the like.

**Influence & Control** - A person in a position of authority over the other person, such as assigning and evaluating work of the other employee, approving time sheets of the other employee, approving or denying requests for leaves of absences of the other employee, issuing disciplinary actions to the other employee, or has any other influence or control over the conditions of employment of the other employee.

**Conflict of Interest** – A set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest.

**Primary Interest** – Refers to principal goals of the profession or activity.

**Secondary Interest** – Personal benefit that is not limited to only financial gain but also such motives as the desire for professional advancement, or the wish to do favors for family and friends.

**Promptly Reported** – Promptly reported for the purposes of this policy is defined as fifteen (15) working days.

## **Regulation 5. Job Descriptions, Evaluations, Compensation and Benefits**

### **SECTION 5.1**

#### **JOB DESCRIPTIONS**

The personnel department maintains an inventory of budgeted positions in the city. Job descriptions for each position, the assigned salary grade in the city's pay plan and the compensation guidelines governing the plan are also maintained in the personnel department.

Job descriptions for each position include a title; a description of the nature of work and relative responsibilities of the position; examples of work which are illustrative of the duties of the position; requirements of work in terms of knowledge, skills and abilities necessary to perform the work and a statement of minimum qualifications for recruitment or promotion into the position.

### **SECTION 5.2**

#### **EMPLOYEE EVALUATIONS**

The city considers the growth an employee demonstrates on the job to be an important factor affecting the employee's future with the organization. Written employee performance evaluations shall be conducted by supervisors at the conclusion of the probationary period. In addition, all departments shall conduct an annual evaluation of all employees each year. If an employee has less than six (6) months of service in their classified position, an evaluation shall be done at the conclusion of the probationary period or six months, whichever comes first.

Each employee has the opportunity and is expected to discuss their review with their supervisor. Performance evaluations are an opportunity to formally discuss with an employee how they are performing compared to expectations for the position. In addition, it allows an employee to modify behavior to meet expectations. Performance evaluations are an important consideration when selecting employees to fill vacancies. A good performance evaluation should be the goal of each employee.

### **SECTION 5.3**

#### **COMPENSATION GUIDELINES**

##### **A. Compensation Plan**

A compensation plan has been adopted by the city council and is divided into various steps and grades. The compensation plan approved by the Council can be viewed on the city website or in the personnel office. Positions which are similar in the duties and responsibilities, skills, knowledge, education or training requirements, general working conditions, physical ability demands, and any other position requirements shall be assigned to similar salary grades.

Each position shall be assigned to the appropriate grade of the compensation plan. Any new or unbudgeted position will be appropriately classified in the plan as a part of establishing the position.



No employee shall be compensated at a rate of pay that is above the maximum rate of pay for the position unless the employee's position has been eliminated and they have been reclassified into a lower position as outlined in [Section 5.4](#).

#### B. Pay Periods

All pay periods shall start on Sundays and run fourteen (14) days, ending on a Saturday. There shall typically be twenty-six (26) pay periods in a calendar year.

All employee distributions shall be made within six (6) days after the close of a pay period. Distributions normally are available on Friday.

All employees of the city shall be paid by direct deposit to the financial institution of their choice.

#### C. Work Periods

The work period for all city employees, except as noted below, will be a seven (7) day period, beginning on a Sunday and ending on a Saturday.

- The work period for fire shift employees will be twenty-eight (28) days, beginning on a Sunday at eight a.m. (8:00) and ending on a Sunday at eight a.m. (8:00).
- The work period for commissioned police department personnel will be fourteen (14) days, beginning on a Sunday at six a.m. (6:00) and ending on a Sunday at six a.m. (6:00).

#### D. Work Schedule

All offices and departments of the city shall be open to the public for business as posted by the city and individual departments. City hall offices will be open from 8:00 a.m. until 5:00 p.m. on all days except Saturdays, Sundays, holidays and for certain public functions.

##### *Municipal Building Employees*

Full Time municipal building employees who work office positions are normally scheduled to work either thirty-seven and one-half (37 ½) hours or forty (40) hours per work period, or seventy-five (75) hours and eighty (80) hours in a pay period as designated by their respective department(s). All full-time employees who work at the municipal building in office positions are considered municipal building employees.

##### *General Employees*

General employees normally work a forty (40) hours work period, or eighty (80) hours in a pay period. All employees who are not classified as municipal building employees, nor classified as fire department shift employees, nor classified as police department commissioned employees are considered general employees.

*Fire Department Shift Employees*

Full-time fire department shift employees normally work eight (8) or nine (9), twenty-four (24) hour shifts, or 192 or 216 hours in a work period.

*Police Department Commissioned Employees*

Full-time commissioned police department employees normally work eighty (80) to eighty-six (86) hours in a work period.

All employees will be assigned to a regular work schedule with specific starting and ending times as determined by the city. The city does not guarantee a minimum or maximum number of hours employees may be required to work as conditions necessitate. All city employees are expected to be at their assigned location and ready for work at the start of their designated work time. The city administrator may adjust work schedules as deemed necessary and in the best interest of the city. Under normal circumstances, the city will notify employees in writing seven (7) days in advance of changes in the work schedules.

E. Overtime Compensation

All non-exempt employees will be eligible for overtime compensation for all hours worked as defined below. Overtime compensation may, at the discretion of the employee, be taken in the form of cash payment or compensatory time subject to limitations described herein.

*Municipal Building Employees*

Employees will be eligible for additional compensation at the rate of one and one-half (1 ½) times their regular hourly rate or compensatory time at the rate of one and one-half (1 ½) hours for every hour worked beyond forty (40) hours in any seven (7) day work period. Municipal building employees may accrue up to 240 hours of compensatory time. Any compensatory time earned above 240 hours will be paid in the form of cash payment as specified above.

*General Employees*

Employees will be eligible for additional compensation at the rate of one and one-half (1 ½) times their regular hourly rate or compensatory time at the rate of one and one-half (1 ½) hours for all hours worked beyond 40 hours in any seven (7) day work period. General employees may accrue up to 240 hours of compensatory time. Any compensatory time earned above 240 hours will be paid in the form of cash payment as specified above.

*Fire Department Shift Employees*

Fire department shift employees will be eligible for additional compensation at the rate of one and one-half (1 ½) times their regular hourly rate or compensatory time at the rate of one and one-half (1 ½) hours for all hours worked beyond 212 hours in any one 28 day work period. Fire department shift employees may accrue up to 480 hours of compensatory time. Any compensatory time earned above 480 hours will be paid in the form of cash payment as specified above.

*Police Department Commissioned Employees*

Commissioned police department personnel will be eligible for additional compensation at the rate of one and one-half (1 ½) times their hourly rate or compensatory time at the rate of one and one-half (1 ½) hours for all hours worked beyond eighty-six (86) hours in any fourteen day work period. Commissioned police department employees may accrue up to 480 hours of compensatory time. Any compensatory time earned above 480 hours will be paid in the form of cash payment as specified above.

All overtime work must be assigned by the department head and payment of overtime must be approved by the city administrator. Overtime shall be kept to a minimum consistent with the maintenance of essential city services. When overtime is deemed necessary by the employer, every effort shall be made to secure volunteers before overtime is assigned.

For the purpose of computing overtime, time worked will be considered only the time an employee is on duty at their assigned duty location. Vacation, sick, holiday, compensatory and all other forms of leave shall not be considered as time worked for purposes of overtime compensation.

If reimbursements are made to the city as a result of grants or other compensable duties, the determination of overtime compensation shall be made in accordance with the stipulations of the grant or other agreement and thereby shall be paid at the rate as reimbursed. In the instances of Traffic Enforcement Overtime, police officers will be paid at the rate of two times their rate while working on the Traffic Enforcement Project regardless of hours worked and approved by the city could prior to the Project implementation, provided that is consistent with the grant award and actual reimbursements.

F. Out of Classification Pay

At times, it may become necessary for full-time employees to work in a position of higher responsibility or function that is outside of their normal position classification. When employees fill a position in a higher salary grade, other than an exempt job classification, they shall be compensated as follows:

*Fire Department Shift Employees*

Firefighter to Driver/Engineer - \$2. 10 per hour  
Driver/Engineer to Captain - \$2.10 per hour  
Captain to Battalion Chief - \$2.10 per hour

*Police Department Employees*

Police Officer to Sergeant - \$2.10 per hour

*All Other Departments – 4 Hours or more*

The difference between the minimum hourly rate of pay for the employee's current grade and the minimum hourly rate of pay for the position in the higher salary grade.

## **SECTION 5.4**

## **PAY PLAN ADMINISTRATION**

### **A. New Employee Starting Pay**

New employees are generally paid at the starting salary of the grade in which their position is classified. New employees hired may be given credit for prior work experience up to 1 step per year of experience with a maximum of 4 steps above the starting wage for the position. No new employee will be brought in higher than the assigned grade for the position regardless of the amount of experience in a similar position. All salary recommendations above the starting step and grade must be approved by the city administrator. Consideration should be given to other employees who hold the same job classification with equivalent service prior to a recommendation being made.

### **B. Promotion Increase**

For employees who promote to a position in a higher grade, the employee's rate of pay will be increased to at least the minimum of that grade. If possible, employees promoted to a position in a higher grade will receive no less than a 6% raise. Consideration should be given to other employees who hold the same job classification with equivalent service prior to a recommendation being made. Grade and step assignments must be approved by the city administrator. For all promotions within the same grade, the employee will remain at their current step.

### **C. Lateral Transfer**

For employees who transfer to a position within the same salary grade with similar duties, the employee's salary will remain unchanged.

### **D. Demotion / Involuntary Transfer**

Employees may be demoted into a position with a lower salary grade. This is usually as a result of an employee's performance or in the best interests of the city. When an employee is demoted into a job classification with a lower salary grade, the employee's salary will be reduced to the step and grade for the position.

### **E. Transfer to a Lower Pay Grade**

For employees who voluntarily transfer to a position in a lower salary grade, the city administrator, upon recommendation from the department head, will assign a rate of pay commensurate with the new position. The rate of pay should give consideration to length of service, performance evaluations, work experience, training, skills and qualifications of the employee.

### **F. Position Reclassification**

Department heads may initiate requests for position reclassification when circumstances produce significant changes in the duties of a particular position. Department heads should submit their formal request to the city administrator for review and to determine its merit. The city administrator's decision concerning the request shall be final.

When a position is reclassified to a higher grade, the affected employee's pay rate will be adjusted to the closest step to their current pay within that grade.

If a position is reallocated to a lower salary grade and the present salary of an employee is above the maximum of the new salary grade, the employee shall continue at their present rate of pay during the period of incumbency. However, the employee may not be entitled to salary increases until salary levels are equalized.

#### G. Step Increases

Step increases are available to all full-time positions and subject to funding as determined by the mayor and city council. Step increases are usually given at the beginning of the fiscal year unless otherwise determined. At periodic times, the grade and step chart may be changed to reflect current market value of all positions within the classified service of the city.

Employees are eligible for movement to the next step in their respective grade if they have completed a satisfactory performance evaluation and any additional requirements as set forth by the Department prior to the beginning of the budget year. Certain jobs may be eligible for rapid movement based on trends in the job market. These jobs may move up to two steps each year, subject to Mayor and Council approval, until reaching step eight in their respective grade if they have completed a satisfactory performance evaluation prior to the beginning of the budget year and contingent upon available funding. After step eight, these rapid movement jobs will move at the same rate as other jobs within the city. Rapid movement jobs must be approved by the mayor and city council. The personnel director will be responsible for maintaining a list of job(s) classified for rapid movement.

#### H. Additional Compensation

##### *Allowances*

- Allowances are compensation amounts paid generally monthly or annually to employees for the use of personal items and/or vehicles for the benefit of the city. Allowances will be pro-rated based on time in the position.
- Allowances that are provided as reimbursement for the purchase or replacement of work-related items, materials or supplies – including tools and uniform items – will not be added to the employee's hourly rate.
- Allowances are a flat rate and are not adjusted by across the board increases.

##### *Overtime / Compensatory Time*

- Non-exempt employees are eligible for overtime or compensatory time with prior approval of their immediate supervisor.
- Compensatory time:

- Based on departmental needs, an employee may receive, in lieu of overtime compensation, compensatory time off at a rate of one and one-half (1½) hours for each hour worked for which overtime compensation would otherwise be required by this section.
- “Compensatory time” and “compensatory time off” mean hours during which an employee is not working but receives paid time off at the employee’s regular rate.
- Police, fire, and general employees may accrue compensatory time as outlined in [Section 5.3\(E\)](#).
- Employees shall be permitted to use accrued compensatory time within a reasonable time period after it is requested if to do so would not unduly disrupt the operation of the city.
- Upon reclassification to an exempt employee classification or a demotion, accrued compensatory balances will be paid out to the employee at the rate earned. Upon termination, accrued compensatory balances will be paid at the higher of (1) his or her final regular rate of pay or (2) the average regular rate during his or her last three years of employment.

## I. Call In Pay

On occasion, it is necessary to call in hourly employees without notice outside of their regular shift hours to handle emergency repairs, equipment failures, or other events. In these instances, the employee may be paid the applicable straight-time or overtime-rate for the actual hours worked, or a minimum of 4 hours regular straight-time base pay, whichever is greater. Hours paid at the overtime rate will be determined based on the total hours worked for the employee’s work period. Only those hours actually worked shall count towards hours worked in a work period for purposes of calculating overtime compensation.

- The four (4) hour minimum does not apply for work preceding the normal work day or if the employee is already working and is held over their normal work day. In these situations employees will be paid for the time worked and the minimum of four (4) hours does not apply.
- The minimum may not apply to fire shift employees under certain circumstances – see department policy.
- The minimum may not apply to the police department employees under certain circumstances – see department policy.

Employees are expected to respond to such calls unless prevented from doing so by prior personal commitments. An employee who refuses to report to work under these circumstances on three separate occasions within a 3-month period may be passed over for promotions or transferred to a position that is not subject to being called in or be subject to disciplinary actions. If an employee is transferred to a lower pay position, the employee’s pay will be reduced accordingly.

Any employee may be called back to work more than once in a twenty-four (24) hour period. The four (4) hour minimum credit will only be paid for the first call back. Call back time shall begin when employee arrives at the job site.”

#### J. Travel Time

Compensation for travel time will be paid in accordance with the Fair Labor Standards Act (FLSA) travel time guidelines. Expenses incurred while on official travel are reimbursed as defined in [Section 7.5](#).

### SECTION 5.5

### ADDITIONAL BENEFITS OF CITY EMPLOYMENT

#### A. Insurance Coverage

The city provides basic health insurance to all full-time employees of the city at no direct cost to the employee. The city also offers family and dependent health insurance coverage to all full-time employees of the city for an additional cost that is determined on an annual basis.

The city offers dental and vision insurance to all full-time employees, their families and dependents for a cost that is determined on an annual basis.

The city also provides a base life insurance policy to all full time employees at no cost. Presently the coverage amount is \$20,000 which may be subject to change. In addition, the city provides a \$20,000 accidental death and dismemberment insurance commonly referred to as AD&D. Optional life insurance coverage is available for an additional cost that is determined on an annual basis.

The city may offer other health insurance, vision, and dental plans that have additional benefits available for both an employee and their dependents. These plans are commonly referred to as “buy up” plans. The additional costs for these plans are determined on an annual basis and are available to the employee at their discretion.

The city also may also offer other plans that cover disability, hospitalization, etc. to all full-time employees. These plans are available to the employee for an additional cost that is determined by the provider selected by the city.

#### B. Retirement Programs

All full-time employees and elected officials are enrolled in Missouri's Local Government Employees Retirement System (LAGERS) with the exceptions listed below:

- Fire department employees participate in the Sedalia fire pension program.
- Sworn police department employees hired prior to January 1, 2010 have accrued benefits in the Sedalia policemen's pension program which are fixed. All full-time police department personnel are active enrollees in LAGERS.

The city pays the entire cost of the LAGERS retirement program. Contributions for an employee will begin after six (6) months of full-time service. Effective March 18, 2012, the city will pay the entire contribution into the fireman's retirement system.

For retirement purposes, length of service begins with the original full-time date of employment.

Employees become vested for retirement benefits with LAGERS after five (5) years of full-time service.

- Fire department employees vest in the fire pension program on a graduated schedule based on years of service.

#### C. Education Assistance Program

The purpose of this section is to establish policy for the academic education of the city which will be a benefit to both the city and the employee. This policy pertains to courses attended by city employees that accrue credit toward a high school diploma or high school equivalency certificate, college degree, or related educational certification, which are directly job related.

This plan is available to all regular full-time city employees with at least one year of continuous service to the city, prior to beginning participation in the assistance program.

##### *Program Requirements*

Upon receiving the request of the employee, recommendation of the department head and approval of the city administrator, employees may participate in the education tuition reimbursement program, subject to the following requirements.

- The course shall directly relate to the employee's current job duties, or any course including major electives, required for a degree or certificate in a field either directly related to the employee's current duties, or a field in which the employee would have a reasonable expectation of being promoted to while employed with the city. Such course work must be completed at an officially accredited educational institution.
- Application for employee educational assistance program must be made in advance of enrollment in the course or program that the employee is requesting assistance. An application is available from the personnel department. This form requires information about the course or program the employee is planning to follow.
- Upon completion of the form, it will be forward to the department head for their approval and based upon funding availability will be forward to the city administrator for his approval. In the event of limited funding, the department head may prioritize requests from multiple employees. Funding will generally be assigned on a first come, first approved basis.

##### *Additional Program Details*

- Reimbursement shall be based on per hour tuition rate for the following institutions: State Fair Community College, University of Central Missouri, and University of Missouri-Columbia. Additional accredited institutions may be approved by department head depending on the circumstances.



- Approved tuition reimbursement will be made when the employee furnishes evidence of completing the course (Copy of the final grade and or copy of the receipt for books and fees). This documentation needs to be turned in within 30 days of completion of the course(s) to the personnel department for approval and forwarded to the finance department for reimbursement. No reimbursements will be made for expenses incurred for a class that is not successfully completed.
- Reimbursement payments will be based on the following: 90 % of tuition fees – grade of “A”, 80 % of tuition fees – grade of “B”, 70 % of tuition fees – grade of “C”. There will be no reimbursement for any grades below a “C”. Employees pursuing their GED will be reimbursed for 100% of associated costs upon receipt of the GED.
- Tuition reimbursement payments to any individual will be limited to \$1,500 per fiscal year (April 1 to March 31). The city views tuition reimbursement program as an investment in employees. Any employee leaving the service of the city within one (1) year of receiving reimbursement payment will be required to pay back the last tuition reimbursement payment received.

When the educational program requires being away from one’s job during normal work hours, the employee and her or his supervisor and department head must agree such a schedule in advance and make necessary arrangements to assure that expectations for ongoing work assignments are met.

Any exception to this policy requires approval of the department head and city administrator.

#### D. Deferred Compensation Plan

The city offers a voluntary 457 deferred compensation plan that is available to all full- time employees. Contributions to the various investment options will be taken directly from an employee’s paycheck. Contributions cannot be made directly into these plans outside of payroll deduction.

#### E. Other Employee Benefits

Based on an employee’s classification, the city may provide additional benefits to employees as a class in individual departments not listed in other sections of the personnel regulations. These benefits are duly authorized in budget expenditures that have been adopted by the city council and are provided as a business necessity to promote a quality workforce to serve the citizens of the city.

## **Regulation 6. Leave Time**

### **SECTION 6.1**

### **VACATION LEAVE**

Every full-time employee of the city will be provided with vacation leave at their regular hourly rate of pay. For the purposes of this section, fire department employees shall refer to employees of the fire department. For the purpose of accrual, vacation leave hours are accrued equally during each of the city's yearly pay periods. They are available for use beginning with the pay period after the hours are accrued with the exception that no vacation time may be taken by an employee during the first six (6) months of employment with the city. Under emergency circumstances, an employee while on probation may use his accumulated vacation time with the approval of the department head.

#### **A. Accrual Rates**

| <b>Years of Service</b>                 | <b>General &amp; Police Employees</b>               | <b>Fire Shift Employees</b>           |
|---|---|---------------------------------------|
| New hire to end of 5 <sup>th</sup> year | Two weeks and two days<br>(12 regular work days)    | 216 hours<br>(9 regular work shifts)  |
| More than 5 but less than 10 years      | Two weeks and four days<br>(14 regular work days)   | 216 hours<br>(9 regular work shifts)  |
| More than 10 but less than 15 years     | Three weeks and two days<br>(17 regular work days)  | 240 hours<br>(10 regular work shifts) |
| More than 15 but less than 20 years     | Three weeks and four days<br>(19 regular work days) | 264 hours<br>(11 regular work days)   |
| More than 20 but less than 25 years     | Four weeks and four days<br>(24 regular work days)  | 312 hours<br>(13 regular work shifts) |
| More than 25 years                      | Five weeks and two days<br>(27 regular work days)   | 336 hours<br>(14 regular work shifts) |

\*Special Note: 24 Hours of vacation time has been added to fire shift employees, as provided in Section 6.6 for the accrual of the day after Thanksgiving holiday.

#### **B. Maximum Accrual**

- The maximum new vacation leave balance that an employee may have available for use is 400 hours for general and police employees and 500 hours for fire shift employees, unless approved by the city administrator. Beginning on the first payroll of the 2012-13 fiscal year, (pay date April 5, 2012), any vacation leave balance that exceeds the maximum allowed will not have any additional time accrued until such time as the leave balance falls below the maximum allowed.
- Vacation time being accrued from the employee's current year anniversary date through the last pay period of fiscal year 2011-12 will be placed into accrued vacation and added to the existing balance and will then accrue each pay period according to the requirements as set forth in section 6.1 of the personnel regulations.

- New vacation leave time that has accrued and not been used will be valued at the rate that it was earned starting at the end of calendar year 2013 and every subsequent calendar year thereafter for the purposes of any future pay-out by the city. All hours of vacation leave time whether banked or non-banked will be available for use, hour for hour, on any vacation leave approved by their respective department head.

#### C. Vacation Leave Usage

Use of vacation leave must be approved by the employee's supervisor in advance of the leave start time.

Employees shall use the appropriate method for requesting vacation leave as established by their department head.

Vacation leave may be used in one-half ( $\frac{1}{2}$ ) hour increments rounded to the nearest half-hour subject to supervisor approval.

Supervisors may require the use of vacation leave in increments greater than one-half ( $\frac{1}{2}$ ) hour depending on the overall operational needs of the department or division.

The city shall not offer cash payments in lieu of vacation time for those who do not wish to take their vacation leave.

In the event city operations are hindered or an emergency exists, the city administrator or department head may rescind scheduled vacation leave usage. If a scheduled vacation leave use is cancelled by the city, the impacted employee may rescheduled their vacation period or receive a cash payment in lieu of the vacation. The cash payment shall be at their regular rate of pay.

#### D. Separation of Employment

Should an employee voluntarily leave the service of the city in good standing, all unused accrued vacation will be paid to the employee subject to the provisions found in Section 9, after any outstanding debts are paid to the city and any city property is returned in good order. Any banked vacation time will be paid out to the employee regardless of whether the employee was in good standing or not upon leaving the service of the city. Banked vacation time is vacation that has been allowed to accrue above the vacation accrual cap for a specific period of time as approved by the City Council and/or the City Administrator.

Should an employee die, any unused vacation leave will be paid out as designated by the employee.

Paid leave time will not be approved once a resignation has been submitted except for special circumstances as approved by the City Administrator.

## SECTION 6.2

## SICK LEAVE

Sick leave will be granted when an employee is unable to perform assigned duties due to personal sickness or injury. An employee shall also be granted sick leave for necessary medical, dental and optical examination or treatment provided that the sick leave granted for such purposes shall not exceed the actual time necessary for examination or treatment and reasonable travel time (as determined by the department head). Sick leave may also be authorized for an employee quarantined for exposure to a contagious disease. All sick leave utilization shall be consistent with other sections of these regulations.

Individuals injured in the course of employment with another employer shall not be eligible for use of sick leave accruals for the purpose of recovering from such situations. Employees involved in such circumstances may be eligible for leave of absence provisions of these rules and regulations.

Except as may be provided in departmental rules and upon the approval of the city administrator, employees who claim sick leave and are concurrently gainfully employed, self-employed or otherwise, shall not be eligible for sick leave; and if they are to remain employed, must request, and have approved, a leave of absence without pay (provided that they have exhausted compensatory and vacation time).

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Full-time and permanent part-time employees of the city will be provided with sick leave at their regular hourly rate of pay. For the purposes of this section, fire shift employees shall refer to employees of the fire department who work on the rotating shift schedule. For the purpose of accrual, sick leave hours are accrued equally during each of the city's yearly pay periods. They are available for use beginning with the pay period after the hours are accrued.

### A. Accrual Rates (Amended 4/15/13, Ord. 10078)

| <b>General &amp; Police<br/>Employees<br/>(75 hours per work period)</b> | <b>General &amp; Police<br/>Employees<br/>(80 hours per work period)</b> | <b>Fire Shift Employees</b> |
|--|--|-----------------------------|
| 3 ¾ hours per pay period   | 4 hours per pay period   | 5 hours per pay period      |

\* Sick leave benefits shall not accrue during sick leave absences lasting over ten (10) working days.

\* Certain classifications of part-time employees may accrue sick leave on a pro-rated basis.

### B. Sick Leave Usage

Sick leave may be used for personal incapacity, dental, optical or medical examinations. Other forms of leave such as emergency leave, family medical leave may be charged against an employee's sick time as provided by policy. Permission for sick leave for medical examinations, treatments or dental work shall be obtained at least two days prior to the beginning of the leave, except in emergencies.

Sick Leave may be granted for an immediate family illness, incapacity, dental, optical or medication examination involving the following: spouse, children (including an unborn child), foster children who are living with the employee, parents, grandparents, grandchildren, sisters, brothers. This section shall also include step relatives and in-laws of the same degree.

Sick Leave may also be granted where the employee **is not the primary caregiver** involving the following: spouse, children (including an unborn child), foster children who have lived with the employee, parents, grandparents, grandchildren, sisters, brothers. This section shall also include step relatives and in-laws of the same degree.

Special emergency conditions, such as household fire, or automobile accident, occurring to the employee or a member of his/her immediate family are also eligible for sick leave.

Sick leave may be authorized for an employee quarantined for exposure to a contagious disease.

Exempt employees are not required to use sick leave for medical, dental, or optical appointments or illness requiring an absence of three (3) hours or less. When scheduling such appointments, minimizing time away from work should be considered.

An employee requesting sick leave should do so as soon as practically possible.

The employee must request sick leave authorization through their supervisor or other personnel as designated by departmental policy.

An employee must keep their immediate supervisor informed of their ability to work if the absence is for more than one (1) day.

Whenever three (3) or more consecutive work days (general & police employees) or two (2) consecutive work shifts (fire shift employees) are missed due to illness or injury, the employee may be required to submit a doctor's release before returning to work. If an employee is sick for more than three (3) consecutive work days, such sick leave may be designated as FMLA leave.

Employees may be required to submit a doctor's certificate for any hours missed. An employee shall personally insure all doctor excuses and medical records are submitted directly to their department head. Doctor excuses and medical records shall be provided by the department head to the personnel office for retention.

An employee becoming ill while on vacation leave may request his/her supervisor to change the vacation leave to sick leave. Any such change may, at the discretion of the supervisor, require a doctor's statement that the employee was ill for the specified period of time to receive approval.

Sick leave may be used in one-half (½) hour increments rounded to the nearest half-hour, subject to supervisor approval.

Employees injured in the course of employment with another employer shall not be eligible to use sick leave for the purpose of recovering from the injury. Employees

involved in such circumstances may be eligible for leave of absence provisions as outlined in [Section 6.16](#) or [Section 6.17](#).

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved

An employee meeting the criteria outlined in the voluntary sick leave policy may be eligible for donated sick leave.

Sick leave will be used by employees in reverse order of accrual – meaning that the newest sick leave accrued by an employee is used first.

Failure to give adequate notice may result in the absence being charged to leave without pay.

Failure to give any notice will result in the absence being charged as an “unauthorized absence”.

Claiming sick leave under false pretense to obtain time off with pay shall be grounds for disciplinary action as outlined in [Section 8.2](#) up to and including termination from employment.

#### C. Sick Leave Buy-Back

In September, the finance department offers employees the opportunity to sell a portion of their accrued sick leave time back to the City subject to the provisions listed below. The buy-back program is subject to budget availability and city council approval.

Any full-time employee who has accrued a sick leave balance of more than 480 hours may request that the city redeem from the employee an amount of not less than 8 hours, but not more than half of the total amount of sick leave accrued over the past fiscal year plus hours banked in any preceding year where no hours have been redeemed for that fiscal year’s accrual. Accrued sick leave shall be used and redeemed on a last in first out basis. The redemption checks will normally be issued on the first payroll of November. Sick leave hours accrued in the preceding year that have not been used or redeemed, will be banked at the employee’s rate of pay during the period that it was accrued.

To be eligible to request redemption of sick leave hours, an employee must have used no more than five (5) days of sick leave time off during the fiscal year prior to the request. The request cannot reduce the employee’s remaining accrued sick leave hours balance below the 480 hours. Eligible employees may not have more than one redemption request granted in a given fiscal year except in cases involving termination of service with the City.

All hours subject to the buy-back provisions will be paid at the rate of one third (1/3) of the hours redeemed and at the rate of pay in effect when the hours were accrued. An employee’s sick leave hours balance will be reduced by the number of hours redeemed.

#### D. Separation of Employment

All full time employees having over four (4) years of service when voluntarily terminating in good standing shall receive payment for one-third (1/3) of sick leave hours accrued at their banked hourly rate, (the rate of pay in effect when the hours were accrued), after all debts to the city have been paid and all property has been returned.

### SECTION 6.4

#### VOLUNTARY SICK LEAVE

Voluntary sick leave (VSL) establishes a program under which employees may donate paid sick leave time to a fellow employee who is facing or recovering from a catastrophic illness or injury, a serious health condition, or other events that qualify for FMLA leave. Upon approval, the VSL program allows employees to donate a portion of their accumulated sick leave to an employee who has exhausted all of their current and accrued leave time due to a catastrophic illness, a serious health condition, or other qualified FMLA leave.

The requesting employee will be responsible for providing the appropriate physician's certification and completed paperwork to be submitted for the leave requested under this policy.

Nothing contained herein shall be construed to give any employee a right to the VSL program. Participation in the VSL program is not considered a right of employment and, as such, denial of a request for leave is not considered the denial of a right of employment. An employee may neither grieve nor appeal the decision regarding VSL program participation.

##### A. Definitions

Catastrophic illness or injury: An illness or injury that is either life threatening, terminal or likely to result in a potentially permanent disability.

Current and accrued leave time: Leave time shall include all current and accrued vacation, personal, holiday, sick and compensatory time.

Designated employee representative: A spouse, immediate relative or legal guardian may act as a designated employee representative if the employee is unable to represent themselves.

Serious health condition: A condition that makes the employee unable to perform the functions of the position of the employee.

FMLA Leave – Leave that qualifies under the definition of the Family Medical Leave Act.

##### B. Maximum Sick Leave Hours

The maximum amount of voluntary sick leave an employee may receive in a "rolling" twelve-month period is 360 hours.

##### C. Voluntary Sick Leave Provisions

For the purpose of this policy, voluntary sick leave shall run concurrently with time allowed under the Family and Medical Leave Act (FMLA). To be eligible to for the VSL program, the applicant must also apply for FMLA leave. Denial of FMLA leave does not necessarily preclude an employee from being granted VSL leave.

While using donated leave time, an employee shall continue to accrue vacation, sick leave, or holiday time as stated in the personnel policies.

An employee who uses voluntary sick leave is not required to pay back the time received.

Voluntary sick leave cannot be used more than once over a twelve (12) month period subject to the maximum of 360 hours as stated above.

While a request may be approved for a certain amount of donated leave time, it is up to employees to donate time to a requesting employee. A requesting employee will only have access to time that is donated by other employees.

#### D. Eligibility Requirements

Requesting employee must be full-time and must have completed their initial training / probation period.

Requesting employee is not on unpaid disciplinary status during the period requested for voluntary sick leave.

Requesting employee has met or exceeded expectations in their most recent employee evaluation.

Requesting employee has exhausted all current and accrued leave.

Based upon the physicians' statement, requesting employee has experienced a personal injury or illness which is life threatening, catastrophic, potential permanent disability or serious health condition that makes the employee unable to perform the functions of the position of such employee or faces other FMLA events that severely impact the ability to perform the functions of their job.

Personal injury or illness is not job related.

#### E. Procedures for VSL Program

##### *Method to Request Use of Voluntary Sick Leave*

An eligible employee or a designated employee representative may request voluntary sick leave on behalf of the employee by submitting a voluntary sick leave request form to the personnel director. The employee or their designated employee representative should submit the application before all leave is exhausted to allow time for application review and consideration. A physician's statement describing the illness or injury of either the employee or other immediate family members must accompany the request for use of voluntary sick leave and must include the diagnosis of the illness or injury and a prognosis, including the estimated time away from work. Any failure to comply with these procedures may result in the denial of the voluntary sick leave request.



The personnel director will verify that the application documentation complies with the voluntary sick leave provisions of this policy prior to approval of the application.

*Method to Donate to the Sick Leave Program*

Eligible employees may donate up to 25% of their accrued sick leave balance to a specific individual by submitting a voluntary sick leave donation form to the personnel director. Donations shall be in eight (8) hr. increments. Sick leave donated to a designated individual will be converted to an hour-for-hour basis. Unused contributions made to a specific individual will only be deducted from the donor account when needed by the recipient.

**SECTION 6.5**

**FAMILY AND MEDICAL LEAVE (FMLA)**

Eligible employees are allowed up to twelve (12) weeks of unpaid leave during any “rolling” twelve (12) month period or up to twenty six (26) weeks to care for a military service member (measured backward from the date the FMLA leave sought by the employee would begin) for the following reasons:

- Birth of a child or placement of a child for adoption or foster care with the employee; or
- To care for a spouse, child or parent with a serious health condition; or
- A serious health condition of the employee that renders the employee unable to perform the functions of his or her job for more than 3 consecutive calendar days.
- Activation of a family member to active military duty. (See personnel department for complete details).
- To care for a family member that is a military service member. (See Personnel Department for complete details).

If a husband and wife both work for the city, and each wishes to take leave for the birth of a child, adoption or the placement of a child into their foster care, or to care for a child with a serious health condition the husband and wife may take only a combined total of twelve (12) weeks of FMLA or twenty six (26) weeks to care for a military service member.

**A. Eligibility**

Sick leave may be used for personal or immediate family illness, incapacity, or dental, optical or medical examination. For purposes of this section, immediate family is defined as employee’s parent, spouse, child, or stepchild.

**B. Requirements**

Employees should submit their request to the personnel department for approval at least 30 days in advance when the need is foreseeable. If the full 30-day notice is not possible, an employee is expected to give as much notice as is practicable (ordinarily one or two business days) after the employee learns of the need for the leave.

Employees who request leave under this policy for the serious health condition of the employee or a family member (spouse, child or parent), must provide the city with a statement of medical certification from a health care provider which explains the condition necessitating the leave, the date the condition commenced, the probable duration of the condition. The appropriate form is available from the personnel department. The statement of medical certification should be provided to the city at the time the employee requests leave under this policy, or shortly thereafter. In the case of unforeseen leave (such as for a medical emergency) the statement of medical certification should be provided to the city soon after the leave commences. Failure to comply with the medical certification provisions of this policy may result in the denial of leave until after the employee provides a statement of medical certification to the city.

If the city has reason to doubt the validity of a medical certification provided by the employee's health care provider, the city may require the employee to obtain a second opinion, at the city's expense, from a health care provider designated by the city. In the event the second opinion differs from the first, the city may request the employee to obtain a third and final opinion, at the city's expense, from a health care provider jointly approved by the city and the employee.

The city may also require periodic reports during the duration of the leave regarding the medical status of the employee or family member and the employee's intention of returning to work. An employee returning from leave under this policy due to his or her own serious health condition must provide the personnel department with a written medical release from a health care provider before initiating work. An employee returning from leave under this policy due to his or her own serious health condition must be released without restrictions. Failure to provide a release may result in a denial of restoration of employment until the employee provides a medical release to the city.

### C. Additional Provisions

Where the cause of serious health condition initially occurred as a result of a work-related injury or illness covered by workers compensation law, such time off as it applies to work-related illness or injury shall be counted as family medical leave under this section on a day for day basis whenever more than three (3) consecutive calendar days are missed.

Whenever more than three (3) consecutive calendar days are missed due to a qualifying reason as defined by the FMLA, the leave shall be designated as FMLA leave retroactive to the first day of work missed.

If an employee is approved for leave time under the voluntary sick leave program as outlined in [Section 6.4](#), any time taken under the program must run concurrently with FMLA leave.

When FMLA leave is needed for planned (rather than unforeseen) medical treatment, the employee is required to make a reasonable effort to schedule the treatment to minimize disruption to the city's operations.

#### D. How Leave May Be Taken

The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances, may use the leave to reduce the work-week or work-day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) weeks over a twelve (12) month period.

The city may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption or foster care of a child, the department director and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for the birth, adoption or foster care of a child must be concluded within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee is expected to coordinate any schedule of intermittent leave or a reduced-hour working schedule with the department head before taking such leave. If such a coordinated schedule is not possible, then the employee must prove that use of the leave on an intermittent or reduced-hour schedule is medically necessary.

#### E. Treatment of Benefits While on FMLA

During a leave under this policy, an employee's health insurance coverage will be continued at the same level of benefits and under the same terms and conditions as the coverage currently being provided by the city to other benefit eligible employees. If the employee is on paid leave, the city will continue to deduct for optional and dependent coverage. If the employee is on unpaid leave, the employee is responsible for making payments for optional and dependent insurance coverage either in person or by mail. Payments must be received by finance department by the 20<sup>th</sup> day of each month. If the payment is more than 30 days late, the optional and dependent coverage may be dropped for the duration of the leave. Reinstatement will be subject to the conditions required by the current benefit providers. Employees failing to return to work at the conclusion of their leave may be required to reimburse the city for insurance premiums paid by the city during the time of the leave.

Employees on FMLA unpaid leave shall not accrue paid time off while on leave. Should an employee fail to return to work at the end of their FMLA leave, retirement benefits shall be based on the last day worked or the last day of paid time off taken by the employee, whichever is later.

"Anniversary" date shall not be affected by an employee utilizing FMLA leave.

#### F. Reinstatement

Upon return to work, the employee shall be returned to their position held prior to their FMLA leave or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

#### G. Pay During Leave

Employees must use accrued paid time off (vacation or sick leave, compensatory time, and/or personal days) for any circumstances for which they may be eligible for FMLA leave. This paid leave time shall run concurrently with FMLA leave. The city must designate paid time off requested by an employee as FMLA leave to be considered part of the maximum twelve (12) week leave time, according to FMLA guidelines. Employees utilizing paid leave in conjunction with FMLA will continue to accrue paid leave during that period. Employees utilizing unpaid leave will not accrue paid time off while on leave.

### SECTION 6.6

### PAID HOLIDAYS

#### A. City Holidays

Full-time employees shall be entitled to eleven (11) holidays per calendar year for which they shall receive full pay at their standard rate of pay. Those holidays are as follows:

|                             |                                      |
|-----------------------------|--------------------------------------|
| New Year's Day              | January 1                            |
| Martin Luther King, Jr. Day | 3 <sup>rd</sup> Monday in January    |
| President's Day             | 3 <sup>rd</sup> Monday in February   |
| Good Friday                 | Friday before Easter                 |
| Memorial Day                | Last Monday in May                   |
| Independence Day            | July 4                               |
| Labor Day                   | 1 <sup>st</sup> Monday in September  |
| Veteran's Day               | November 11                          |
| Thanksgiving Day            | 4 <sup>th</sup> Thursday in November |
| Day after Thanksgiving      | 4 <sup>th</sup> Friday in November   |
| Christmas Day               | December 25                          |

Fire shift employees shall be compensated for twelve (12) hours of pay at their regular rate for each holiday with the exception of the day after Thanksgiving. For fire department shift personnel, the day after Thanksgiving will be credited to them as 24 hours of time added to their vacation balance.

Police department full-time shift employees shall accrue eight (8) hours for each holiday.

Airport full-time employees shall accrue eight (8) hours off for each holiday.

Employees in other departments who are required to work on a holiday shall accrue eight hours of compensatory time to be used at a later date. If the employee works less than eight hours on the holiday, then holiday pay will be used to bring the

employee up to their normal scheduled time and the accrual will be reduced by the hours used on that day.

#### **B. Definitions and Eligibility**

Full-time employees are eligible for paid city holidays. Part-time and seasonal / temporary employees are not eligible to be paid for city holidays.

When the city holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When the city holiday falls on a Sunday, the holiday shall be observed on the following Monday.

If a city holiday occurs when an employee is on authorized leave time, the holiday shall not be counted against the employee's accumulated vacation, sick or personal leave time.

Any full-time employee who is eligible for a paid holiday and who is on unpaid leave either the last working day before or the first working day after a holiday will forfeit his or her right to compensation for the holiday.

Any employee eligible for a paid holiday who takes sick leave either the last working day before or the first working day after a holiday will be required to present written evidence from a doctor before receiving pay for the holiday.

### **SECTION 6.7**

#### **WORKERS' COMPENSATION LEAVE**

Workers' compensation is a benefit which the city, by law, provides to its employees. Workers' compensation benefits are regulated by state law and change periodically. The cost of workers' compensation insurance is paid entirely by the city. Workers' compensation benefits apply to employees who suffer injuries or occupational disease related to their employment.

When an employee is injured on the job, they must report the injury as soon as possible to their immediate supervisor. The supervisor will coordinate with the city clerk's office for receiving appropriate medical treatment at the city's designated company doctor if the accident occurs during normal business hours Monday thru Friday. If an accident occurs after 5:00 p.m. or on the weekend, the injured employee will need to go to the emergency room at Bothwell Regional Health Center.

The supervisor must also complete and submit a supervisor's report of accident form to the city clerk's office within 24 hours. If the accident occurs over the weekend, the supervisor's report should be provided to the city clerk's office on the next available working day.

Following medical treatment for a workers' compensation injury, an employee must provide a written release or statement of limited duty status from the treating physician before the employee is allowed to return to work. The employee must present this release or statement of limited duty status to his department head who will then forward it to the city clerk's office. Medical forms will be retained in the employee's worker's compensation file.

The city has a "Light Duty" policy which places the injured employee into a limited capacity status at whatever tasks fall within the doctor's restrictions unless the employer can

demonstrate that any such limitations would constitute an undue hardship to the employer, or a direct threat to the disabled individual or to other individuals. Every effort shall be made to assign employees to positions consistent with their position. However, injured employees may be assigned to positions within other departments until the employee is released to full duty work status.

If an employee who returns to work, (full or light duty), is directed to have follow-up doctors appointments, therapy, tests, or other treatment during the employee's regularly scheduled work hours, the injured employee is allowed to use their sick leave, vacation, comp time, etc. to receive pay for the appointments. Employees should schedule appointments or treatment to minimize time away from work. The employee is to provide a doctor's statement as verification of the appointment or treatment. Supervisors should monitor this time for reasonableness.

Also, if the city's doctor places an injured employee on restrictions where the employee is working on a light duty job, and an employee wants a day off from work, they can use accumulated vacation to cover the day.

By Missouri law, workers' compensation is not paid for the first three (3) regularly scheduled workdays an employee is unable to work. The injured employee shall be eligible to use sick leave benefits for the first three days after injury or disease occurs.

The city will continue payment of the employee's base health insurance and life insurance for as long as workers' compensation benefits are paid. An employee may continue to maintain additional insurance coverage and/or dependent insurance coverage at their own expense.

While an employee is on workers' compensation leave, the employee will continue to accrue paid leave time and will be compensated for holidays as normal.

## **SECTION 6.8**

### **MILITARY LEAVE**

Employees who are members of the National Guard, or any reserve component of the United States Armed Forces, shall be entitled to military leave without loss of time, pay, regular leave, or any other rights for periods of military service up to the limits specified in state and federal laws pertaining to such leave.

When a request for military leave is submitted to the department head, the employee shall attach an official order from the appropriate military authority as evidence of such duty for which military leave is granted. The order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of the order.

Employees who enlist, are drafted or activated into full-time military service are given specific rights under the Federal Employment and Reemployment Rights Act for Members of the Uniformed Services (USERRA). Any employee wishing to enlist, who is drafted or who is called to active full-time duty should consult with the personnel department to gain an understanding of their rights and benefits.

## **SECTION 6.9**

### **BEREAVEMENT LEAVE**

Full-time employees may be granted up to three (3) paid days off in the death of a family member. For purposes of this section, family members shall mean the following: spouse, children (including an unborn child), foster children who are living with the employee, parents, grandparents, grandchildren, sisters, brothers. This section shall also include step relatives and in-laws of the same degree.

Fire Shift Employees may be granted up to two (2) work shifts for bereavement leave.

Bereavement leave will not be charged against an employee's accrued sick leave.

## **SECTION 6.10**

### **ADMINISTRATIVE LEAVE**

#### **A. Leave with Pay**

There may be an occasion when it becomes necessary to remove an employee from service as the circumstances of an incident or event are reviewed or otherwise investigated. A supervisor may, with the approval of the department head, place an employee on administrative leave pending the review of the incident or circumstances. The city administrator shall be informed as soon as is reasonably possible regarding an employee placed on administrative leave with pay.

Administrative leave may be for a defined or indefinite period of time as the situation warrants. However, as it is in the interest of the city to minimize the duration of administrative leave, any investigation should be conducted thoroughly and expeditiously so as to resolve the situation as soon as possible.

Administrative leave shall be leave with pay and does not presume guilt in a given situation.

Should the review or investigation related to the administrative leave determine that disciplinary action is warranted, action may be taken in accordance with [Regulation 8](#).

#### **B. Leave without Pay**

During the investigation, hearing, or trial of an employee on a criminal charge, or during the course of any civil action involving an employee where removal from service would be in the best interests of the city, a department head, with the approval of the city administrator, may place the employee on administrative leave without pay for the duration of the proceedings as a non-disciplinary measure. The mayor shall be informed regarding an employee placed on administrative leave without pay.

Where the related proceedings result in the full reinstatement of the employee, the city administrator shall authorize full recovery of pay and benefits for the entire period of administrative leave.

Should the review or investigation related to the administrative leave determine that disciplinary action is warranted, action may be taken in accordance with [Regulation 8](#).

## **SECTION 6.11**

### **MATERNITY / PATERNITY LEAVE**

Maternity / Paternity Leave shall be handled in accordance with the city's sick leave and family medical leave policies. Pregnancy, if problematic, may qualify as a serious health condition under FMLA guidelines, and the birth of a child also qualifies for FMLA as outlined in [Section 6.5](#).

Any employee requesting leave under this provision shall present a doctor's statement concerning the length of time the employee should reasonably be allowed to work considering her condition, any limitations imposed by the individual's case, and the time needed for recovery by the employee. This doctor's statement is to be presented to the department head as far in advance as possible of the anticipated date of delivery.

Leave shall commence at a time prior to delivery as agreed upon by the employee and their department head, except in the case of an emergency. While a leave of absence without pay may be granted as outlined in [Section 6.17](#) for a predetermined time to allow for pre-natal necessities and post-natal child care, sick leave may be granted only for such time as the employee is medically unable to complete the duties of her position, as determined by her doctor.

## **SECTION 6.12**

### **JURY DUTY / COURT APPEARANCES**

An employee shall be granted leave of absence with pay for jury service. Paid leave such as vacation, holiday, etc. shall be granted to full-time employees for court appearances that are not work related. For all other court appearances that are work related, an employee shall be credited for time worked for all hours they appear as required by the court for the work related issue.

All monies received by an employee for court appearances while on their normally assigned work schedule or on compensatory / overtime shall be surrendered to the city whenever received.

Department heads shall require applicable supporting documentation prior to approving this leave.

## **SECTION 6.13**

### **ELECTION DAY LEAVE**

Employees who are registered voters and whose working shift would otherwise prevent voting, may, upon approval by their department head prior to the day of an election, have reasonable time off without loss of pay to vote in any local, state or federal election.

Employees are encouraged to vote on their own time, either before or after normal working hours.



## **SECTION 6.14**

## **INCLEMENT WEATHER LEAVE**

Weather conditions do not provide an exception to normal pay routines. When city facilities are open, employees are to be paid for the hours they work or take vacation, or compensatory time. Should any specific employee not have accrued paid leave, they shall not be paid for the time they did not work and may be considered excused or unexcused, depending upon the circumstance.

The city administrator may authorize declarations of staff reduction due to inclement weather or damages caused by inclement weather. If the city administrator approves the early closure of any city facilities and sends employees' home prior to the end of their normally scheduled work period, the impacted employees will not be charged any leave time for departing at the designated time.

An employee regularly scheduled to work on a day in which a facility is closed early and who leaves earlier than the designated time or who does not make it to work that day, will be charged the applicable leave time for the hours that the facility was open and they were not present for work. Those employees will not be charged leave time for the hours when the facility was designated to be closed.

In the event the city administrator determines that a city facility will not open at all on a given day and employees of the facility are advised not to report to work, employees will not be charged leave time for that day.

## **SECTION 6.15**

## **VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE**

(a) An employee who is a victim of domestic or sexual violence or a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address such violence by:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (2) Obtaining services from a victim services organization for the employee or the employee's family or household member;
- (3) Obtaining psychological or other counseling for the employee or the employee's family or household member;
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(b) Leave Time:

- (1) Employees are eligible to take unpaid leave if: (1) they are victims of domestic or sexual violence; or (2) they have a family or household member who is a victim of domestic or sexual violence. Employee will be required to provide Human Resources with certification. The amount an eligible employee may take of unpaid leave is two (2) workweeks.
- (2) The leave time stated above cannot extend the 12 workweeks allowed under the Family Medical Leave Act.
- (3) Leave time can be taken intermittently or on a reduced work schedule basis.
- (4) The City shall maintain coverage for the employee and any family or household member under any group health plan for the duration of the leave and at the level and under the conditions coverage would have been provided if the employee had not taken leave. If the employee fails to return from leave after the period of leave has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, sexual assault, or human trafficking, the City may recover from the employee the premium that the City paid for maintaining any group health plan while employee was on leave. If the employee fails to return to work for the reasons listed above, employee is required to provide Human Resources with a certification and documentation.
- (5) Employee is entitled, on return from the leave, to be restored to the position employee held prior to when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
- (6) The City may require that employee provide periodic updates to Human Resources on the status and intention of the employee to return to work while on leave.

(c) Process to Take Leave:

- (1) Employee shall provide Human Resources with at least 48 hours advance notice of the employee's intent to take leave, unless providing such notice is not practicable.
- (2) If an unscheduled absence occurs, the City will not take action against the employee if the employee provides certification below within 48 hours of the unscheduled absence or such other time period that the City deems reasonable.

- (e) Certification – The employee must provide the employee’s Human Resources with a sworn statement that either: (1) employee is a victim of domestic or sexual violence; or (2) employee’s family or household member is a victim of domestic or sexual violence. The sworn statement must be accompanied by one or more of the following:
  - (1) Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee’s family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;
  - (2) A police or court record of the domestic or sexual violence; or
  - (3) Other corroborating evidence.
- (f) Confidentiality – All information provided to the City, including the employee’s sworn statement and certification documents, and the fact that the employee requested leave under this section shall be retained by the City in the strictest confidence, except to the extent that disclosure is requested or consented to in writing by the employee or by applicable federal or state law.
- (g) Reasonable Accommodations – The City shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence. If the accommodation would impose an undue hardship on the operation of the City, then the City shall not be required to provide said accommodation upon demonstrating the undue hardship.

## **SECTION 6.16**

### **EXCUSED ABSENCE WITHOUT PAY**

When it is determined to be in the best interest of the city, a department head may grant an employee time off without pay, commonly referred to as forfeit time.

Fire shift employees may be granted time off without pay not to exceed twelve (12) work shifts in any rolling twelve (12) month period.

To be eligible for time off without pay, an employee must have exhausted all vacation, personal and compensatory time. Additionally, if the circumstances of the leave allow for the use of sick leave, all accrued sick leave must have been exhausted.

## **SECTION 6.17**

### **LEAVE OF ABSENCE WITHOUT PAY**

Subject to the approval of the department head and the city administrator, an employee may be granted a leave of absence without pay for a period not to exceed one (1) year. Request

for such leave must be submitted in writing to the appropriate department head and the city administrator two (2) weeks prior to the desired start of the leave of absence.

Such leave from active status is considered an extraordinary request.

If an employee is absent fifteen (15) or more consecutive days within a calendar month, the employee shall not be entitled to any benefits provided by the city. The employee may maintain health, dental and life insurance at the employee's expense under the provisions of COBRA and subject to the regulations of the city's insurance carriers.

The employee shall not be returned to pay status until the first day that the employee actually returns to work.

Unlike FMLA, an approved unpaid leave of absence does not guarantee the employee the right to return to the position held prior to the leave.

## **SECTION 6.18**

### **PROPER NOTICE OF LEAVE**

All employees shall notify their immediate supervisor when, for any reason, the employee will be absent from their duties. Notification shall be by approved method and shall occur no less than thirty (30) minutes prior to the beginning of their work shift. Police and fire department employees shall notify their immediate supervisor no less than one (1) hour prior to the beginning of their work shift.

Any unauthorized absence of an employee from duty shall be deemed to be an unexcused absence and may be grounds for disciplinary action.

An absence by an employee who has exhausted all accrued sick leave and is not on approved FMLA leave shall be considered an unauthorized absence.

Any employee who is absent for three (3) or more consecutive work shifts without authorization and proper notification shall be deemed to have abandoned their position as outlined in [Section 9.3](#). For Fire department shift employees, this provision is defined as two (2) consecutive work shifts.

## **Regulation 7. Employee Conduct**

### **SECTION 7.1**

#### **EXPECTATIONS**

City employees are expected to demonstrate prompt, courteous, fair and honest treatment to each other and to all citizens with whom they come in contact. High standards of personal conduct and integrity are essential to good municipal service and are expected of each employee. Employees shall conduct themselves in a manner that will bring respect to themselves, their department and to the city.

Employees should be familiar with the department in which they work, as well as other departments of the city. When questioned by a citizen or presented with a complaint, employees are expected to refer the matter to the proper authority. Employees are expected to obey all applicable personnel policies, city ordinances and state and federal laws – both on and off the job.

It is the responsibility of the employee to notify their supervisor in accordance with their departmental policy and procedures if they are going to be absent or late for work under any circumstances.

Employees shall refrain from abusing controlled substances or alcohol and shall be free from the influence of controlled substances and alcohol while on duty. The city is established as a drug-free workplace and conducts testing in accordance with [Section 7.15](#).

The city is committed to creating a workplace that is safe, healthy and injury free. Safety is essential to all municipal functions and is never compromised under any circumstance. All employees have the responsibility to maintain a safe work environment including reporting hazards and workplace accidents. It is expectation of all employees to follow the guidelines as set forth by the city or their individual departments in promoting workplace safety.

### **SECTION 7.2**

#### **CURRENT INFORMATION**

Employees shall report all changes in address, driver's license status, telephone number, marital status, dependent information and other pertinent information to the personnel department for proper recording within five (5) days of the change.

This action is necessary in order to maintain accurate records affecting insurance and retirement benefits.

### **SECTION 7.3**

#### **FINANCIAL AFFAIRS**

Employees shall arrange and conduct their personal financial affairs so that creditors and collection agencies will not have to make use of the offices of the City for the purpose of making collections.

#### **SECTION 7.4**

#### **ACCEPTANCE OF GIFTS**

City employees are prohibited from accepting any or all gifts or gratuities from persons doing business or seeking to do business with the city, except for items in the category of advertising novelties (matches, pencils, calendars) having wide distribution and small gratuitous holiday gifts such as candies, popcorn, etc. may be retained by the employee.

#### **SECTION 7.5**

#### **REIMBURSEMENTS FOR TRAVEL, LODGING, MEALS, ETC.**

Employees shall be reimbursed for travel, food, lodging or other expenses reasonably incurred by the employee in performance of their duties.

Actual costs incurred for airfare and lodging by the employee for travel and lodging associated with approved travel shall be paid for in advance by the city or reimbursed to the employee.

A maximum food allowance per full day of approved travel is forty-five dollars (\$45.00) unless prior approval has been obtained by the department head. Normal maximum reimbursement amounts for meals purchased during official travel are listed below:

- Up to \$10 per breakfast
- Up to \$15 per lunch
- Up to \$20 for dinner

Receipts for all expenses incurred by the employee shall be submitted with a reimbursement request. Exceptions may be applicable for set costs of scheduled banquets, etc., or confinement to a certain locale or hotel.

Reimbursements may be made to the employee on normal routine expenses which does not include alcohol, movie rentals and other non-essential items deemed necessary for training or conference attendance.

An employee who is not granted a car allowance but who is required to use their personal car in the course of their official duties shall be reimbursed at the current rate used by the State of Missouri's Commissioner of Administration pursuant to Section 33.095 RSMo and Missouri State Regulations 10-11.010 and 10-11.030. Employees who are granted a car allowance and use their vehicle for official business that takes them outside of Pettis County shall be reimbursed at the rate specified above.

Employees provided a car allowance and employees who regularly use their vehicles in the performance of their official duties for which they receive mileage, shall furnish a certificate of insurance showing that the employee has liability insurance with minimum limits as required by the safety responsibility law of Missouri. It shall also be required that the insurance company furnish a notice of cancellation if the employee's insurance is canceled for any reason.

## **SECTION 7.6**

## **USE OF CITY FACILITIES, EQUIPMENT AND MATERIALS**

All city owned facilities, buildings, motor vehicles, tools, supplies, materials and items of value are for the express purpose of carrying out city services. No employee shall use any city owned facility, building, equipment, motor vehicle, tool, supply material or other item of value for their personal benefit or the personal benefit of any other individual, unless such action is required in the performance of official duties.

## **SECTION 7.7**

## **ACCESS TO PERSONNEL FILE**

An employee shall have access to their personnel file and, upon written request; the employee shall be provided copies of any material in their file. All entries placed in the employee's personnel file, both positive and negative, shall be signed and dated by the individual making the entry. All forms of disciplinary measures entered into their personnel file shall be presented to the employee for their counter signature.

An employee, or their union representative if authorized by the employee in writing, shall have the right, upon request, to review the contents of their personnel file. Such review may be made during working hours at a time approved by the employee's supervisor, with no loss of pay for time spent. The employee may be accompanied by a union representative if they so desire.

Personnel files are confidential. Although the city may be required to comply with valid court orders and other government requests directing information from your personnel files, the policy of the city is to release only the employees' job title, salary and verification of employment dates unless written authorization has been given by the employee.

## **SECTION 7.8**

## **VEHICLE USE**

The city provides and maintains a fleet of vehicles for employees carrying out their official duties. Vehicles owned by the city should be used for official city business. Any question related to the appropriate use of a city vehicle should be directed to the employee's immediate supervisor or the department head.

Certain positions are allowed to utilize a city vehicle to and from work as long as the employee's residence is located within the corporate limits of Pettis County, Missouri. These vehicles are to be used only for official city business, except for appropriate en route stops between work and residence. CDL licenses may be required as applicable.

The positions allowed to utilize a city vehicle to and from work are:

- Administration: City Administrator
- Community Development: Director, Chief Building Official, Building Inspectors
- Fire: Chief, Deputy Chief
- Police: Chief, Commanders, Command Staff Adjutant, Detectives, Traffic Officers, Drug Enforcement Officers
- Public Works: Director, Superintendents (Street, Sanitation, Vehicle Maintenance, Water Pollution Control)
- Airport: Airport Director (Ord. 10041, Bill No. 2013-02)

A vehicle allowance may be approved in lieu of the provision of a city vehicle.

The city shall have the right to review and modify the car usage policy at its discretion when positions are vacant either through retirement or when the employee leaves the employment of the city.

## **SECTION 7.9**

## **TELEPHONE AND CELL PHONE USE**

### **A. General Regulations**

Employees should have no expectation of privacy in their calls on city telephones. Calls may be monitored for customer service and business reasons.

All calls of a personal nature shall be held to a minimum both in length and occurrence. This includes any calls made on city owned or private cellular phones.

On duty employees shall not use a cellular phone while operating a motor vehicle, equipment or while performing duties that could be unsafe while using a cellular phone.

No personal long distance calls shall be charged to the city.

All cellular phones are to be placed in silent mode or turned off during meetings.

The finance department may perform audits of phone bills as necessary to determine compliance with this policy.

Certain city employees are subject to working during emergency situations. Employees within these job classifications shall provide to the city a phone number where they can be contacted and respond within a reasonable time.

### **B. Cell Phone and Pager Packages**

The city may provide a standard cellular/pager service package for qualifying individuals. Departments must receive approval from the city administrator for service packages that differ from the standard city service package.

An employee may be approved for a cell phone reimbursement and shall be reimbursed at the following rates:

- Basic cell phone a maximum of \$35.00 per month: basic cell phone and data package a maximum of \$50.00 per month. The employee is responsible for providing to the city a copy of the cell phone bill on an annual basis to receive reimbursement. (Ord. 10123, Bill No. 2013-85)

Employees that are provided a cell phone are responsible for reimbursing the city for any charges associated with minutes or texting that are used for communication that is of a personal nature.

Cell phones and/or pagers issued to employees will be collected from the employee upon separation of employment.



## SECTION 7.10

## INFORMATION TECHNOLOGY (IT) USE

The purpose of this policy is to outline the acceptable use of the city's computer equipment. This policy is in place to protect the employee and the city. Inappropriate use and/or noncompliance with this policy may result in disciplinary action.

### A. Computer Usage

Only persons presently employed by or serving in an official capacity with the city are permitted to use computer resources owned, rented, leased or otherwise under the control of the city.

The computers and computer accounts given to employees are to assist them in performance of their jobs.

Employees do not have an expectation of privacy in anything they create, store, send or receive on the computer system or the city's email system. The computer system belongs to the city.

It is prohibited for an employee to use another employee's password or access code, even with the employee's permission, or authorize anyone else to use their password or access code, unless authorized by a supervisor.

It is prohibited to attempt to discover another user's password or access code, except that passwords and access codes are available to the city's IT administrator and may be made available to an employee's department head.

Unless expressly authorized, installing hardware and software on the city's computer systems is strictly prohibited. Only authorized city personnel or consultants employed by the city may install software or hardware on the city's computer system. Only authorized city personnel or consultants employed by the city may service the computer system.

Employees are prohibited from copying, disclosing or transferring any software provided by the city, except with permission from the city. It is also prohibited to install employee's own software on a city computer without the permission of the city.

Employees are prohibited from intentionally writing, producing, generating, copying, propagating or attempting to introduce any computer code designed to self-replicate, damage or otherwise hinder the performance of any computer's memory, file system or software. Such software often is called a virus, worm, trojan horse or some similar name.

This policy shall apply to all equipment that is owned or leased by the city, and shall be adhered to by all employees, city officials, contractors, consultants, temporaries and other workers affiliated with the city, including all personnel affiliated with third parties.

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. Employees are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy.

Employees may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the IT Manager.

## B. Internet Usage

Internet access is intended to be used for business purposes only; use for informational or personal purposes is permissible only within reasonable limits. Abuse of the Internet, through excessive personal use, or in violation of law, will result in disciplinary action, up to and including termination of employment.

Use of computer resources or internet connections including but not limited to transmitting, downloading or posting defamatory, discriminatory, obscene, offensive, sexually oriented and/or explicit or harassing information, gambling, disclosing personal information without authorization and all other illegal activity is strictly prohibited.

The city has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

## C. Email Usage

A city e-mail account will be provided to employees needing to access e-mail as part of their job duties. Authorized personnel may monitor and review contents of such e-mails at any time and for any reason determined appropriate. Employees must, therefore use e-mail accordingly and for city business functions. Non-business e-mail should be very limited, similar to the use of an office telephone. E-mail may constitute a public record under certain circumstances and may be accessible or obtainable by individuals and agencies.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication. Employees encountering or receiving this kind of material should immediately report the incident to their supervisors.

E-mail messages are not private; they are subject to discovery proceedings in legal actions and the provisions of the Missouri Sunshine Law. Messages in the e-mail system may be monitored, intercepted or copied to a backup tape. Even if deleted, a message still may exist in backup files maintained by the IT manager. Supervisors may access an individual account through the IT manager if available and upon receipt of proper authority. Should employees make incidental use of e-mail to transmit personal messages, such messages will be treated no differently from other messages, and may be accessed, reviewed, copied, deleted or disclosed.

E-mail records are assumed to be public information. This particularly is the case when exchanged between more than two elected officials.

#### D. Unacceptable Practices

The following are unacceptable e-mail practices and are prohibited:

- Using city equipment in violation of federal, state and local laws.
- Misrepresenting an individual opinion as city policy.
- Intercepting, eavesdropping, recording or altering another person's e-mail message except as provided under proper supervision.
- Adopting the identity of another person on any e-mail message, attempting to send e-mail anonymously or using another person's password unless properly authorized.
- Misrepresenting your affiliation on any e-mail message.
- Composing e-mail that contains racial or sexual slurs or jokes or patently harassing, intimidating, abusive or offensive material to or about others.
- Using e-mail to communicate any material of an obscene or derogatory nature or in a manner that may be offensive to others.
- Accessing objectionable or improper material unless specially granted permission by the department head in conjunction with work related activities.
- Knowingly introducing to the city network any message, software or device containing a virus.
- E-mail accounts provided by the city may not be used to conduct employee organization, association or union business.
- Users shall not share any password for any city computer with any unauthorized person, nor obtain any other user's password by any unauthorized means. When a supervisor requires knowledge of an employee's password, such information should be kept secure.
- Passwords should not be shared among employees for the purpose of logging into someone else's desktop. Such needs should be addressed through the use of shared files residing on a shared drive.
- Technology provided by the city shall not be used for filing grievances or taking any legal action against the employer.
- Intentionally tampering with, deleting or altering city records or other employees' work product in a malicious manner.
- Abusing work time to access non-work related information or e-mail correspondence.

#### E. Retention

E-mail messages sent from the city's network utilizing a city computer are subject to the same record retention regulations and procedures as pertain to paper documents deemed to be a record. Each employee shall be responsible for retaining all messages sent by moving them to appropriate folders or filing electronically or by printing and retaining a paper copy. The IT manager shall maintain backup files that are created on a weekly basis with the last backup of each month retained for a period of one year or as resources permit.

If e-mail is personal in nature, it may be deleted when no longer needed. If the e-mail is in regard to a business related issue, it must be retained in accordance with

the State of Missouri's records destruction manual. The following are examples of e-mail messages and the appropriate method of retention:

- Invitations for lunch, birthday notices and other announcements that are considered personal in nature may be deleted when no longer needed.
- Any message related to a request for service from a citizen is considered general correspondence and must be retained for five years.
- Any message related to a current city project must be retained in accordance with the project files.
- Any message related to a litigation item must be retained in accordance with the case files.

The retention of e-mails sent by an individual is the responsibility of the sender. The IT manager maintains backups for a relatively short period of time. Failure to comply with the retention schedule established with the State of Missouri's records destruction manual is considered a violation of city policy and shall be subject to the sanctions outlined herein.

#### F. Confidentiality / Disclaimer

Postings by employees from a city e-mail address should contain a disclaimer stating that the e-mail should be considered "unofficial communication" and does not necessarily reflect the official position of the City of Sedalia. An "official position" of the city shall only be communicated in letterform, using city letterhead. A recommended disclaimer is as follows:

##### CONFIDENTIALITY STATEMENT:

This e-mail is "unofficial" communication. The ideas or information presented herein does not necessarily represent the official opinion of the City of Sedalia.

This e-mail and any attachments are intended only for those to which it is addressed and may contain information which is privileged, confidential and prohibited from disclosure and unauthorized use under applicable law. If you are not the intended recipient of this e-mail, you are hereby notified that any use, dissemination, or copying of this e-mail or the information contained in this e-mail is strictly prohibited by the sender. If you have received this transmission in error, please return the material received to the sender and delete all copies from your system.

## **SECTION 7.11**

### **PERSONAL APPEARANCE AND DRESS CODE**

City employees are expected to exhibit appropriate standards of dress, personal hygiene and cleanliness for their required duties and responsibilities in the workplace.

Employees who are provided with work uniforms are responsible for the care of those uniforms and shall wear the assigned uniform while working for the city.

The City recognizes that personal appearance is an important element of self-expression and strives not to control or dictate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice. The City expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties.

The City allows reasonable self-expression through personal appearance, unless it conflicts with an employee's ability to perform their job effectively or with their specific work environment, or it is regarded as offensive or harassing towards others.

Factors that management will consider when determining whether jewelry or tattoos pose a conflict with the employee's job or work environment include:

- Personal safety of self or others, or damage to City property.
- Productivity or performance expectations.
- Offensiveness to co-workers, customers, vendors or others in the workplace.
- City or societal norms.
- Customer complaints.

If management determines an employee's jewelry or tattoos present such a conflict, management in conjunction with Human Resources will decide appropriate action.

Hair styles and colors will reflect the city's professional atmosphere. Styles and colors in conflict with this atmosphere are not permitted.

#### A. Municipal Building Employees

The following applies to municipal building employees who are not issued work uniforms.

Employees should wear 'office casual' or more formal dress. For men, business casual requires short or long sleeved shirt with a collar and dress, docker-style or khaki-type slacks. For women, business casual requires docker-style or khaki-type slacks or skirts and casual blouses or collared shirts.

- Business casual dress does not permit short skirts, short dresses or shorts. All skirts and dresses should come to the knee or lower.
- Business casual dress does not permit sweatshirts, sweatpants, tank tops, midriff shirts, halter tops, see-through tops, tops that expose the shoulders, flip flops, strapless shoes or tennis shoes.
- Business casual dress does not permit clothing that reveals excessive back, chest, stomach, cleavage or undergarments.

Casual Friday dress is permitted. An employee wishing to participate in casual Friday dress must donate \$1 to the designated charity fund.

- Casual Friday dress permits denim in good condition, with no visible fraying, rips or tears, provided that the denim fits appropriately and in close proximity to the waistline. Capris and cargo-style pants may also be worn with the same restrictions that apply to denim.
- Casual Friday dress permits a collared city shirt or city sweatshirt.
- Casual Friday dress permits tennis shoes or other sneakers that are in good condition.
- Casual Friday dress does not permit city t-shirts or pants that expose the extreme lower back.

Employees reporting to work with inappropriate dress or appearance issues will be relieved from duty, counseled and sent home without compensation to change into appropriate dress.

## **SECTION 7.12**

### **POLITICAL ACTIVITIES**

All employees of the city are encouraged to exercise their right to vote in local, state and federal elections. No employee shall make use of city time, supplies, equipment or vehicles, nor wear their city-issued clothing or uniform, to aid a political candidate, political party, or political cause. No employee shall use their city position to persuade, coerce or intimidate any person in the interest of a political candidate, political party or political cause.

City employees may participate in political activities so long as such participation shall not adversely affect their performance as a city employee.

A city employee may take a leave of absence without pay as outlined in [Section 6.17](#) for the purpose of running for any elective office.

## **SECTION 7.13**

### **OUTSIDE EMPLOYMENT**

The city understands that some employees desire to engage in outside employment to supplement their income. It should likewise be clearly understood that the first responsibility of a city employee towards employment lies with the city and that any interference caused by an outside job will not be tolerated. Approval of outside employment may be rescinded if such employment interferes or creates a conflict with employment obligations to the city.

Prior to accepting outside employment, the employee must request approval from their department head. If approved, the employee must still be available for overtime duty as conditions warrant. Failure to receive approval prior to beginning outside employment shall result in disciplinary action as outlined in [Section 8.2](#).

Employees who are unable to work for the city due to a work-related injury or personal illness are prohibited from working on outside employment without the prior approval of the city administrator. Failure to comply with this restriction shall be considered a misuse of sick leave time and shall result in disciplinary action.

Full-time employees of the city may not accept a part-time job with the city.

## **SECTION 7.14**

### **TOBACCO-FREE POLICY**

The use of any tobacco products is strictly prohibited within City facilities, City vehicles and on City property, as well, at any worksites where City employees are performing work unless it is within a defined designated area as set forth below. Tobacco products shall include but is not limited to smokeless or “spit” tobacco, cigarettes, cigars, and electronic smoking/vaping devices.

City facilities and worksites includes not only the buildings and property owned by the City, but also other locations where employees are engaged in work-related activities or other activities that could potentially impact the safety of employees, nearby residents, contractors or that could reduce the oxygen levels in a confined space. Persons entering into any hazardous or potentially hazardous worksite where a potential fire, explosion exists, or that could reduce the oxygen level shall not smoke carry smoking materials, matches, or lighters.

Designated areas may be established by the various departments where smoking is permitted within the following guidelines: The designated area shall be outdoors, not within 20 feet of any interior entrance to a building, and not visible to the general public.

Employees, visitors and contractors are prohibited from using tobacco products in and around areas that have not been defined as a designated area.

The municipal building located at 200 South Osage, the storage building at 218 South Osage, and the city hall annex located 200 South Kentucky including the parking lots contiguous to each respective building and each building's surrounding sidewalks and green space shall be free from the use of tobacco products.

This policy shall be in effect at all times and employees are subject to disciplinary action for violations of this policy. (Effective 10/15/2019)

## SECTION 7.15

## CONTROLLED SUBSTANCE & ALCOHOL TESTING POLICY

It is the policy of the city to provide safe, dependable, and economical services to its citizens and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1998 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the city to provide healthy, satisfying, working environments for its employees. In the event of a conflict between federal law and state law, federal law has preempted state law and controls. Under the Drug Free Work Place Act of 1998, the unlawful manufacture, distribution, dispensation, use, possession of a controlled substance, including marijuana or medical marijuana, is prohibited in the City's workplace, including any and all city vehicles and worksites.

To meet these goals, it is the policy of the city to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances. No employee may have, while on duty, in the employee's possession, or on any property owned or controlled by the city, including vehicles and city worksites, any illegal drug. No employee shall, while on duty, be under the influence of alcohol or illegal drugs. The City makes no exception to this rule for Medical Marijuana in any amount. Violation of this policy may result in immediate suspension or termination or the employee may be required to participate in a substance abuse program chosen by the City.

The city recognizes the misuse of legal drugs for other than their intended purposes by employees as a significant health problem that may affect job performance.

The city has a special concern about the use and abuse of alcohol because alcohol can affect an employee's productivity and efficiency, jeopardize the safety of the employee, co-workers, and the public, and harm the reputation of the city and its employees.

It is city policy to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

## Purpose

In compliance with the Drug-Free Workplace Act of 1988, The City has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug misuse poses a threat to the health and safety of employees, citizens and to the

security of the City's equipment and facilities. For these reasons, The City is committed to the elimination of drug and alcohol use and misuse in the workplace. In addition, it is the purpose of this policy to comply with all applicable State and Federal laws and regulations governing workplace anti-drug and alcohol abuse programs.

### **Policy**

1. Whenever employees are working, are operating any City vehicles, are present on City premises or are conducting City-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug or marijuana (whether recreational or medicinal) (to include possession of drug paraphernalia).
  - b. Being under the influence of alcohol or drugs including recreational or medical marijuana.
  - c. Possessing or consuming alcohol and marijuana (recreational or medicinal)..
2. The City will also not allow employees to perform their duties while taking prescribed or over the counter drugs that may adversely affect their ability to perform their job duties safely and effectively. Employees must notify their Supervisor and Human Resources when taking any prescribed or over the counter medication that might affect the performance of duties.
3. The use of marijuana (recreational or medicinal) or alcohol outside of work hours that adversely affects that employee's ability to perform their job duties shall be grounds for discipline up to and potentially termination.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

### **Required Testing**

All City employees are covered by one or more of the tests provided by this policy. Substance testing may be performed by, hair follicle sample, blood sample, urinalysis, breath analysis, saliva swab test, or other means. All employees are subject to these tests.

### ***Pre-employment***

- (1) Testing for substances shall be made only after a conditional offer of employment, but prior to beginning work. Applicants being considered for hire must pass a drug test before beginning work. Refusal to submit to testing will result in disqualification of further employment consideration.
- (2) If the individual starts employment prior to test results being received, the employee shall not operate any City vehicle or heavy equipment until the substance test results have been received and verified by the Human Resources Office.

Positive test results may result in the withdrawal of the conditional offer of employment. Notwithstanding the language preceding, a positive result for marijuana will not result in the withdrawal of a conditional offer of employment if that individual is able to show proof



prescription for marijuana and a valid State issued medical marijuana card. However, for safety sensitive positions or DOT regulated positions, a positive result for marijuana will result in the withdrawal of a conditional offer regardless of any medical marijuana card.

### ***Reasonable suspicion***

When reasonable suspicion testing is warranted, the employee must undergo a drug and/or alcohol test within two hours. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

- (1) Physical signs and symptoms consistent with controlled or prohibited substance use or alcohol or marijuana misuse.
- (2) Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, marijuana, or other prohibited substance.
- (3) Occurrence of a serious or potentially serious accident that may have been caused by controlled or prohibited substance abuse or alcohol or marijuana misuse.
- (4) Fights (meaning physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

### ***Post-accident***

- (1) All employees of any classification are subject to post accident substance and alcohol testing.
- (2) Alcohol testing shall be completed within two (2) hours of qualified accident. Substance testing shall be completed within thirty-two (32) hours of qualified accident.
- (3) Testing is required for:
  - (a) Accidents involving a city-owned motor vehicle or city-owned heavy equipment, unless vehicle or equipment was legally stopped and was struck by another party.
  - (b) Accidents resulting in damage to City equipment or property or private property caused by the operation of City vehicles or heavy equipment.
  - (c) Accidents resulting in an employee being cited for a traffic violation.
  - (d) Accidents resulting from a violation of a safety policy or procedure.
- (4) Post-accident testing shall be completed during or after necessary medical treatment within the time frame listed above.
- (5) Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

## ***Random***

- (1) Substance and alcohol random testing shall be required of all regular public safety employees in the positions of, but not limited to, police officer, firefighter and other positions that require the employee to operate vehicles or heavy equipment on public streets or highways while on duty. Additionally, temporary full-time, part-time and contract employees who operate City vehicles or heavy equipment or construction equipment on public streets or highways shall be subject to this testing.
- (2) Random testing may occur at any time and without warning.
- (3) If chosen for random testing, the employee is required to report for testing the same day as notified before 2:00 p.m. unless otherwise approved by the Human Resources Director or their designee.
- (4) Random testing or testing without individualized suspicion will also be required of employees whose position creates the special need of public safety.

## ***Consequences***

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest for at least 3 months.

Employees who test positive, or otherwise violate this policy, may be terminated. Notwithstanding the language preceding, the following language applies to positive tests for marijuana: any employee who tests positive for marijuana, shall not be disciplined on the basis of a positive test alone if such employee provides a valid State-issued medical marijuana card and that employee is not in a safety sensitive or DOT regulated position. Regardless of any medical marijuana card, any safety-sensitive or DOT regulated employee who tests positive for marijuana may be subject to discipline up to termination.

## ***Additional Employee Responsibilities***

- (1) Employees who may be taking either prescription medication or “over the counter” medication which may impair their normal reaction time, distance judgment or reasoning ability must inform their supervisor of the possible impairment upon reporting for work. The employee should only indicate that an impairment might exist and should not share any medical information with their supervisor. The supervisor will then have the employee work with the Human Resources Office so that the proper medical personnel can determine if any restrictions are needed. If Human Resources determines that restrictions are needed, Human Resources will notify the supervisor of the restrictions and the supervisor is then responsible for assigning duties the employee may safely perform that day or shift. If no suitable work can be assigned, the employee may be relieved from work under sick or other leave.
- (2) Employees who have been unexpectedly recalled for duty after consuming medication or alcohol or marijuana must inform their supervisor or person responsible for

making the recall notice. Supervisors shall not recall employees who have consumed medication or alcohol or marijuana if such recall would place the employee in jeopardy or in violation of this section. Alternatively, the employee may be tested to insure a .00% blood alcohol content prior to assigning employee to duty.

(3) Employees who fail to inform their supervisor as required above may be held personally liable for any accident, which results in injury and/or property damage and shall be subject to disciplinary action.

### **Supervisor Responsibilities**

Supervisors shall arrange return to home transportation for any employee who reports to work when:

- (1) The employee may be affected by prescription or across the counter medication.
- (2) The employee may be affected or impaired by alcohol or marijuana consumption. Alcohol or marijuana testing may be utilized to determine the employee's fitness for work and/or violation of this policy or state law pertaining to driving while intoxicated.

### **Employee and Supervisor Training**

- (1) All employees whose positions require a CDL or who operate vehicles or heavy equipment weighing 26,001 pounds or greater must receive, on an annual basis, information on signs and symptoms of drug and alcohol abuse, including the effects and consequences of drug use on personal health, safety, and the work environment.
- (2) All supervisory personnel must receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol or marijuana misuse at least every 24 months.

## **SECTION 7.16**

### **CARRYING CONCEALED WEAPONS**

Employees of the city, councilmember's, and members of other boards and commissions acting as agents for the city may not carry a weapon into a building owned by the city, in accordance with RSMo 571.107 unless they are a licensed police officer or reserve officer. Employees may not carry, possess in and around their work station or carry into a city building, a concealed weapon, even if they have a legal permit to do so from a Missouri County or other state.

## **SECTION 7.17**

### **SOCIAL MEDIA USE**

The City of Sedalia endorses the secure use of social media to enhance communication and collaboration. This policy serves two primary purposes: (1) First, it is intended to guide city employees and others who use and monitor city provided social media sites. (2) Secondly, this policy also addresses city employees and others who represent themselves as speaking for the city on non-city provided social media sites. This policy is not meant

to address one particular form of social media, rather social media in general. This policy excludes public safety social media attached to all confidential law enforcement related efforts.

A. Definitions

1. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
2. **Copyright:** The exclusive legal right, given to an originator or an assignee to print, publish, perform, film, or record literary, artistic, or musical material, and to authorize others to do the same.
4. **Official social media site:** A site authorized and managed by the City of Sedalia to represent the City.
5. **Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
6. **Post:** Content an individual shares on a social media site or the act of publishing content on a site.
7. **Social Media:** Internet-based resources, such as text, images, audio, and video that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, Facebook, Twitter, microblogging sites, photo- and video-sharing sites, wikis, audio sharing, chatrooms, blogs, LinkedIn and news sites.
8. **Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies. This type of network and its design vary from site to site.
9. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
10. **Trademark:** A symbol, Logo, word, or words legally registered or established by use as representing a company or product.

B. Applicability of Policy

1. To official and overt use of social media sites by city employees and others to engage with the public or communicate internally to achieve work related goals.
2. All official social media sites created to engage with the public.
3. To any online post by an employee that:
  - a. Occurs during working or non-working hours;
  - b. Is posted to an official City of Sedalia social media site; or
  - c. Identifies the city, links to information about the city or identifies the employee’s position or an elected official’s position with the city.
4. This policy also applies to any subsequent posts by the city employee on the same forum (e.g., the same Facebook page, blog, etc.)
5. In addition to being subject to the policy as outlined below, all such online activity is subject to the same rules and guidelines that apply to an employee’s activities in general, including but not limited to the City of

Sedalia Personnel Regulations.

6. This policy does not apply to the use or creation of social media sites for police undercover, investigative or intelligence purposes.
7. The absence of, or lack of, explicit reference to a specific site does not limit the extent of the application of this policy.

C. Authorization to Post on Official Social Media Sites

1. Proposals for new social media projects or platforms must be approved by the Office of the City Administrator.
2. Employees authorized to represent the City on official social media sites shall be approved by the Department Head. Only those officially designated by the Department Head to represent the City of Sedalia have the authorization to speak on behalf of their respective department.
3. Authorization to post information may be limited or revoked at any time.
4. If a social media site requires the use of an email address, authorized employees shall use the email address assigned to them through the City of Sedalia IT Department (name@cityofsedalia.com).

D. Official Social Media Accounts

1. Official social media site names must clearly be connected to the City, one of its Departments, or an activity it sponsors.
2. Each Department Head will appoint a site administrator(s) for each official social media site associated with their department.
3. The Office of the City Administrator, or his/her designee, shall have administration rights to all official social media sites.
4. The site administrator shall have primary responsibility for the maintenance of the social media platform within his/her department.

E. Non-City Social Media Sites

On non-City social media sites city employees shall not represent themselves as speaking for city government unless given authorization by the Mayor, City Administrator or a majority Council vote to do so. If there is the unintended possibility of this occurring, a disclaimer should be included that the person is only speaking for himself or herself and not the City of Sedalia.

F. Administrative Settings

1. Some social media sites contain administrative functions, which can assist moderation and hide from public view, limit or highlight defamatory, discriminatory, or offensive comments. Other filters can enable the creation of key word lists to auto-hide, flag or highlight words or phrases. (*See Section L for specifics related to requirements for Records Retention and the Missouri Sunshine Law, Chapter 610 RSMo.*)
2. In setting automatic restrictions, such as offensive and discriminatory language, the administrator must ensure that the restrictions do not unnecessarily limit the ability of the social media site to fulfil its objectives of being a tool to inform citizens.
3. Where possible, official social media page(s) should link to the City's official website.

4. Where possible, social media pages shall clearly indicate they are maintained by the City of Sedalia.
5. Social media pages should include the Social Media & Web User Agreement Policy ([Appendix B](#)), where possible, or a link to the agreement on the City's website.

#### G. Use and Maintenance of Official Social Media Sites

1. Site Administrator
  - a. Each Department Head is responsible for ensuring the content of official social media sites are regularly reviewed, updated and maintained to ensure the currency, accuracy and appropriateness of content and contact details.
  - b. All employees authorized to post to an official social media site must act as site administrators, ensure that postings are regularly reviewed and, as applicable, responses to questions are timely provided.
2. Potentially Discriminatory, Defamatory or Offensive Public Comments
  - a. Inappropriate postings that may include discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated.
  - b. Comments that are potentially defamatory, discriminatory or offensive, and identified by the moderator or by a requesting party as such, shall be evaluated as soon as reasonably possible and, if necessary, shall be removed from public view. *(See Section L below for specifics related to requirements for Records Retention and the Missouri Sunshine Law, Chapter 610 RSMo.)*
3. Removal of Posts - Site Administrators shall remove any postings that do not comply with requirements set out in the [Social Media & Web User Agreement Policy \(Appendix B\)](#), following the guidelines in [Site Administrator's Guide, \(Appendix A\)](#).

#### H. Content Management

1. Content in General
  - a. The best, most appropriate uses of social media tools fall generally into two categories:
    - 1) As channels for disseminating time-sensitive information as quickly as possible (example: emergency snow route information).
    - 2) As marketing/promotional channels which increase the City's ability to broadcast its messages to the widest possible audience.
  - b. Wherever possible, content posted to official social media sites should contain links directing users back to the City's official websites for in-depth information, forms, documents or online services necessary to conduct business with the City of Sedalia.
  - c. Official social media sites should contain identifiable content relating to City functions, expertise or subject matter.
  - d. Posts must be consistent with the interests of the City. If in doubt, check with the relevant supervisor.
  - e. Site Administrators should encourage people to share requests and urgent posts, such as emergency snow route information, etc.

## 2. Postings

- a. City employees who post to official social media sites shall:
  - 1) Post as the moderator or with a username that identifies them as an employee of the city;
  - 2) Conduct themselves at all times as representatives of the city and adhere to all guidelines;
  - 3) Communicate accurate and timely information to the public in a professional manner;
  - 4) Present information that is respectful, professional and truthful, to the best of their knowledge;
  - 5) Issue corrections, when needed;
  - 6) Not alter previous posts without indicating that you have done so if possible;
  - 7) When responding to a negative post, objectively and unemotionally state facts and provide supporting information, then exit the discussion. Do not engage in an on-going conversation that is not progressing toward a greater understanding; Ensure that the Department Head is informed of the context of the issue.
  - 8) On city social media sites, be supportive of the decisions, policies, or practices of the City of Sedalia and City Departments.
  - 9) On non-city social media sites shall not represent themselves as speaking for city government and/or the city council unless given authorization by the City Administrator or Mayor to do so.

## 3. Copyrights

- a. When posting, ensure that any material published on official social media sites, which is not the property of the city, does not infringe any third party intellectual property rights, including copyright in relation to text, music, images or videos, and trademarks.
- b. Site Administrators will abide by all copyright, trademark, and service mark restrictions in posting materials to official social media sites.
- c. Be advised that the City of Sedalia pays annual fees to ASCAP/BMI for the use of certain copyrighted music materials.

## 4. External Links

- a. Provision of a link to an external site posted on a Sedalia Social Media Site is prohibited unless authorization is given by an official City of Sedalia site administrator. Confirmation of the authorization shall be provided to the City Administrator.
- b. Links to non-government websites must avoid any implication of city endorsement or sponsorship.

## I. Specific Restrictions When Using Social Media

1. Employees using official social media shall not transmit information or knowingly connect to sites for an unlawful or prohibited purpose, including, but not limited to:
  - a. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religious creed, sex, age, national origin, disability, military status, or any other characteristic or basis protected by federal, state, or local laws;

- b. Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile act that relates to race, color, religious creed, sex, age, national origin, disability, military status, or any other characteristic protected by law;
- c. Display, circulation or communication of any sexually suggestive, explicit, graphic or offensive objects, pictures or materials of any kind or sites containing sexual content or the transmission of obscene materials;
- d. Transmission of sexually explicit, graphic, abusive, degrading, intimidating or offensive jokes, comments, remarks or gestures or other similar types of unwelcome sexually-related materials;
- e. Expression of any support for a specific candidate for public office, political or religious beliefs;
- f. Speech involving themselves or other city employees reflecting behavior that would reasonably be considered reckless or irresponsible; and
- g. Conduct of a personal, outside business, or other financial benefit or gain.
- h. The City of Sedalia Seal and logo shall not be used on any social media site without prior written permission from the office of the City Administrator.

#### J. Complaints

If a concern cannot be quickly resolved, site administrators should contact the author of the complaint and advise them of the option to make a formal written complaint to be addressed to the City Administrator. The Department Head should be immediately notified of the issue.

#### K. Social Media & Web User Agreement Policy

The [Social Media & Web User Agreement Policy \(Appendix B\)](#) sets rules that must be followed by members of the public when they contribute to official social media sites.

#### L. Records Retention and Public Information

##### 1. Records Retention

Pursuant to Chapter 109 of the Revised Statutes of Missouri, records retention schedules for local government records have been established, depending on the type of record. The city shall preserve social media records for the required retention period in a format that preserves the integrity of the original records. The city may use a third-party vendor or may develop their own method that complies with statutory retention requirements.

##### 2. Open Records

City of Sedalia social media sites shall comply with the provisions of Chapter 610 of the Revised Statutes of Missouri, as amended, the Missouri Public Records (Sunshine) Law.



## **APPENDIX A: SITE ADMINISTRATOR'S GUIDE**

| <b>Issue</b>  | <b>Recommended Action</b>   |
|---|---|
| <b>Text of Posts</b>  |   |
| Spelling errors and typos<br>Grammatical or typographical errors as well as spelling mistakes.  | Leave as is.<br>Delete if errors make the text unreadable.  |
| Incorrect business or place names<br>Incorrect spelling of the name of a location or person.  | Leave as is.<br>Delete if errors make the text unreadable.  |
| Nonsense<br>Material that cannot be understood or is deemed unrelated to the original post.   | Delete.   |
| Obscene language<br>Swearing within the text or a video either through the use of audio or video overlay.   | Many sites and services offer a customizable list of terms that are not permitted. Delete what cannot be blocked.   |
| Obscene posts or username<br>Material which is offensive, indecent or pornographic, including any material of a sexual nature.                    | Delete.<br>For serious cases, ban user account and report to channel e.g. Facebook, and consult the Sedalia City Attorney to determine if the post is illegal.      |
| Foreign language<br>Comments posted in foreign languages.   | Translate to assess content, if practical.<br>Delete if unable to translate or if inappropriate.  |
| Partial breaches of this guide -<br>One element of a comment breaches the moderators guide, but the rest is okay e.g. text is okay but not video. | For all inappropriate breached sections, delete comment(s) from those sections. If this makes the remaining post non-understandable – then delete complete posting. |
| Misleading comments<br>Posts which either knowingly or unknowingly provide misleading information.  | Allow. Use site administrator comment to correct unless the post breaches another major rule.<br>For serious cases, delete and ban user account.                    |
| Risk to safety<br>Material that describes or encourages activities that could endanger the safety or well-being of others.                        | Delete post and ban the user account.<br>Provide copy to appropriate Department Director as relevant.<br>This should be a zero-tolerance offense.                   |

| <b>Confidentiality</b>  |  |
|---|--|
| Confidential information<br>Secret or confidential information including personal information or addresses.             | Delete confidential information.<br>Members of the public may from time to time post confidential information about a Person of Interest (POI) or details of a crime to a social media site. When this occurs capture the information, remove it from the site, forward it to the Sedalia Police Department. |
| Government information<br>owned or held by a government department that has not been officially released to the public. | Delete.<br>For persistent cases, ban user account.   |

| <b>Links, Advertising and Spam</b>   |   |
|--|---|
| Advertising<br>Blatant or suspected stealth advertising—<br>Posts with a self-interest in advertising a service or business. | Refers to City recognized event - Publish.<br>Blatant but no event – Delete. For persistent cases, ban user account.<br>Suspected stealth advertising – seek the advice of a supervisor. If there is a strong enough reason to suspect it is stealth advertising, delete with a message such as: “This post appears to be advertising a service or business.” |
| Spam<br>The abuse of the forum through unsolicited bulk messaging.   | Delete. For persistent cases, ban user account.<br>If you judge that the poster does not have a legitimate reason to be on the site (e.g. they are an overseas spammer), ban immediately.   |
| Duplication<br>More than one copy of the same post.  | Delete.   |
| Web links (URLs)   | Delete.<br>Determine if the link should be included on site.  |
| Links<br>Including links to material the site administrator determines to be a violation of Appendix B.                      | Delete.<br>For serious cases, ban user account and report to channel i.e. Facebook.   |

| <b>Potentially Harassing and Offensive Behaviors</b>   |                              |
|--|------------------------------|
| Aggressive or potentially harassing posts<br>Unwanted conduct or degrading comments (including insults and ‘jokes’) affecting the dignity of another, including written attacks on another person on the basis of race, color, national origin, religion, age, disability or other similarly sensitive issues. | Delete.<br>Ban user account. |
| Negative posts<br>Posts which are critical and in context but not defamatory.  | Allow.                       |

| <b>Misleading Comments, Defamation and Slander</b>   |  |
|--|--|
| Misleading comments<br>Posts which either knowingly or unknowingly provide misleading information.                         | Allow. Use site administrator's comment to correct unless the post breaches another major rule.<br>For serious cases, delete and ban user account. |
| Risk to safety<br>Material that describes or encourages activities that could endanger the safety or well-being of others. | Delete post and ban the user account.<br>Provide copy to appropriate Department Director as relevant.<br>This should be a zero-tolerance offense.  |
| <b>Other Issues</b>  |  |
| Content Conflicts with Policy<br>Content conflicts or is otherwise incompatible with any City of Sedalia policies.         | Delete.<br>For serious cases, ban user account.  |

## **APPENDIX B: Social Media & Web User Agreement Policy**

The following User Agreement ("Agreement") governs the use of official City of Sedalia social media and web sites, and pages, to include social networking pages, facebook, twitter, web blogs and file sharing, along with all policies applicable to the City of Sedalia's web presence. The purpose of those sites, pages, web blogs and file sharing sites is to serve as a mechanism for constructive communication between the City and members of the public, and is considered a limited public forum. Always call 9-1-1 in an emergency.

Please read the rules contained in this Agreement carefully. Your use of any aspect of the web sites will constitute your agreement to comply with these rules. If you cannot agree with these rules, please do not use the web sites. Continued access of the Web site by you will constitute your acceptance of any changes or revisions to the Agreement.

Your failure to follow these rules may result in suspension or termination of your access to the Web sites, without notice.

## **AGREEMENT POLICY**

### **Comments By Others**

The City of Sedalia does not necessarily endorse, support, sanction, encourage, verify or agree with the comments, opinions, or statements posted on the social media and web sites. Any information or material placed online, including advice and opinions, are the views and responsibility of those making the comments and do not necessarily represent the views of the City of Sedalia, or its third party service providers. By submitting a comment for posting, you agree that City of Sedalia and its third party service providers are not responsible, and shall have no liability to you, with respect to any information or materials posted by others, including defamatory, offensive or illicit material, even material that violates this Agreement.

### **Deleting, Blocking and Reporting**

The City of Sedalia reserves the right, but undertakes no duty, to review, edit, remove or delete any material submitted as a comment to the social media or web sites, in its sole discretion, without notice. We hope to receive constructive submissions from all viewpoints. By using any City of Sedalia social media or web sites and pages, to include social networking pages, web blogs and file sharing and web sites, all participants agree with, and accept, the following terms:

- Only questions or comments directly related and relevant to the City of Sedalia shall be posted.
- Submissions containing the following are prohibited and may be removed or hidden, and the submitting source may be blocked and reported, all without notice:
  - Obscene or threatening language, or language that promotes, fosters, or perpetuates discrimination based on race, color, religious creed, sex, age, national origin, disability, military status, or any other characteristic protected by law.
  - Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religious creed, sex, age, national origin, disability, military status, or any other characteristic or basis protected by federal, state, or local laws
  - Sexual content or links to sexual content
  - Personal attacks or other abusive, degrading, or mean-spirited language directed toward an individual(s)
  - Conduct in, or encouragement of, illegal activity
  - Comments not topically related to the particular social media or any other article being commented upon
  - Comments in support of, or opposition to, political campaigns or ballot measures
  - Solicitations of commerce
  - Promotion of services or products (not including non-commercial links that are relevant to the topic)
  - Personal or sensitive information (phone numbers, email or postal addresses)

- Information that may tend to compromise the safety or security of the public or public systems
- Content that violates a legal ownership interest of any other party, such as copyrighted, trademarked or service marked material
- Confidential or proprietary information
- The City Seal/logo may not be used on the web without prior written permission from the City. Additionally, images or the likeness of City Department patches, uniforms vehicles, buildings or photographs of operations or personnel may not be used without city permission.

NOTE: Submissions that violate any article of the User Agreement may be removed, and the submitting source may be blocked and/or reported, all without notice.

### **Disclaimer**

Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favoring by the City of Sedalia. The views and opinions of authors expressed herein do not necessarily state or reflect those of the City of Sedalia, and shall not be used for advertising or product endorsement purposes. With respect to documents available from this server, neither the City of Sedalia nor any of its employees, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights.

Any information provided as comments may be publicly available on the respective site and the privacy policies of that respective site apply. The City of Sedalia disclaims any liability for any loss or damage resulting from any comments posted on its social media sites and pages to include social networking pages, web blogs and file sharing and web sites, and any other web presence.

Unless stated otherwise, these sites and resources may not be used for the submission of any claim, demand, informal or formal complaint, or any other form of legal and/or administrative notice or process, or for the exhaustion of any legal and/or administrative remedy.

## **Regulation 8. Disciplinary Action**

Any employee violating the provisions of the personnel manual shall be subject to disciplinary action up to and including termination from employment. Criminal and civil penalties may be sought in addition to any disciplinary action taken for the violation of this policy.

### **SECTION 8.1**

#### **PROGRESSIVE DISCIPLINARY STEPS**

Disciplinary actions should be focused at directing employees to improve job performance to the best of their capabilities. In working within a system of progressive discipline, a series of steps should normally be followed to include the following: oral warning/counseling, employee counseling report, suspension without pay, and termination. All disciplinary actions above an oral warning shall be reviewed with the department head, personnel director and city administrator prior to communicating the action to the employee in order to ensure consistency across the city.

##### **A. Oral Warning/Counseling**

The infraction shall be explained to the employee, indicating the corrective steps to be taken to prevent re-occurrence. The supervisor should explain to the employee that any re-occurrence of the infraction may result in further disciplinary action. The department shall keep written records of the discussion. Any discussions or counseling should be considered during the performance evaluation process and formally noted on the evaluation form.

##### **B. Employee Counseling Report**

The supervisor will put down in writing the date, time and facts of the incident or incidents for which the reprimand is being given, the prior record of similar incidents, and efforts made by the supervisor to correct the problem indicated, if any. The employee will have the opportunity to review and make written comment on the report prior to signing the document. One copy of the reprimand will be given to the employee, one copy kept by the department, and the original sent to the personnel department for filing in the employee's permanent personnel file. Any prior discussion or counseling may be included as part of the counseling report.

##### **C. Suspension without Pay**

A suspension without pay is a temporary removal from duty status without pay of an employee for a specified period of time. In accordance with the provisions of FLSA, salaried employees shall not be suspended without pay for periods of less than one full day.

The suspension becomes effective on the date specified unless otherwise stipulated. If an employee who has been suspended without pay is reinstated after a careful review of the employee's actions concluded that they should not have been suspended, they shall be compensated for any compensation missed at their normal rate of pay as a result of the discipline review.

## D. Termination

Termination is the permanent removal of an employee from the service of the city.

### **SECTION 8.2 CAUSES FOR DISCIPLINARY ACTION AND RECOMMENDED ACTIONS**

The following recommended actions are intended to serve as a guide for correcting employee conduct. The regulations set forth are divided into three groups to reflect degrees of severity of offenses. The offenses listed are intended as guidelines only and are not all-inclusive. Nothing herein shall restrict the city from taking more severe or lenient corrective action in any given instance where the circumstances warrant.

In determining the corrective action to be taken in each occurrence, consideration will be given to, among other things, the severity of the offense, the number of occurrences, time interval between violations, damage to property or endangerment or injury of other persons, the intent or motive of the employee, and the past performance of the employee concerned.

#### A. Level I Offenses

For a first offense, an employee counseling report is recommended.

For a second offense, a one (1) to three (3) day suspension without pay is recommended.

For a third offense, termination of employment is recommended

Examples of Level I Offenses include:

- Failure to report to work for overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
- Operating, using or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
- Wasting time, loitering, loafing or neglecting work responsibilities while on duty.
- Failure to obtain permission or inform supervisor of intent to leave assigned work area during working hours or where operations are continuous, leaving work area before officially being relieved.
- Taking more than specified time for meals or break periods.
- Repeated tardiness or absenteeism.
- Absence without permission.
- Falsifying a timesheet or attendance record.
- Violating an employee conduct standard as outlined in [Regulation 7](#).
- Maintaining outside employment without approval.
- Violating a safety rule or safety practice.
- Failure to report an accident or personal injury in which an employee was involved while on the job.
- Any conduct unbecoming an employee of the city, either on or off duty, provided the conduct relates detrimentally to the employee's ability to perform assigned job tasks.
- Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of disorderly conduct.

- Offensive conduct or language in public or towards the public, city officials, or employees while on duty.
- Incompetent, inefficient or negligent job performance.
- Taking for personal use from any person any fee, gift, or other valuable item in the course of work or in connection with it, when such gift or other valuable item is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- Failure to pay fines owed to the city.

#### B. Level II Offenses

For a first offense, a three (3) to five (5) day suspension without pay is recommended. For a second offense, termination of employment is recommended

Examples of Level II Offenses include:

- Conviction in a court of law of a felony or a misdemeanor.
- An employee who has been insubordinate, or; has violated a lawful official regulation or order, or; has failed to obey any proper direction given by a supervisor.
- Working an outside employment position while claiming city sick leave time.
- The employee has failed to report a vehicle accident in which a city vehicle under the control of the employee was involved.
- Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time.
- Sleeping during working hours, unless otherwise permitted.
- Gambling or engaging in any other game of chance at city work stations at any time.
- Making or publishing of false, vicious or malicious statements concerning any employee or the city.
- Any conduct which jeopardizes the safety of the public, city personnel, equipment, tools or property.
- Failure to report a request for information that would constitute an open record request or failure to notify of a receipt of subpoena from a law firm or any attorney that relates to city business.
- Causing city property to be damaged due to employee negligence.
- Refusal to give testimony or cooperate in city lawsuits or in accident or other internal investigations.
- Failure to notify a supervisor of any arrest or loss of driver's license and/or CDL as required under [Section 7.15\(F\)](#) of the Controlled Substance and Alcohol policy.
- Inappropriate use of city vehicles, equipment or facilities.

#### C. Level III Offenses

For a first offense, termination of employment is recommended. Examples of Level III Offenses include:

- Receiving two (2) successive unsatisfactory performance appraisals.



- Testing positive under the controlled substance & alcohol testing policy as outlined in [Section 7.15](#) which also includes refusal to submit a sample as required. This is a zero tolerance policy.
- Making or publishing false statements or providing false information to supervisors or management during the routine course of application for employment or promotion, activities related to employment, during an official inquiry or investigation process.
- Willful neglect in the performance of duties.
- Maliciously destroying or damaging any city property or property of any employee.
- Falsification or destruction of city records or malicious destruction of personal property.
- Making false claims or misrepresentations in an attempt to obtain sick leave, accident benefits, workers' compensation or unemployment compensation payments.
- Insubordination including refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.
- Unauthorized possession of firearms, explosives or weapons on city property.
- Theft or unauthorized removal of any city property or that of an employee from city facilities.
- Unlawful or inappropriate conduct on or off the job which would affect the employee's relationship to the job, fellow workers or reputation or goodwill in the community.
- Use or attempted use of position, political influence or bribery to secure an advantage in any manner.
- Initiation or participation in verbal altercations or physical fighting, except to defend oneself or another, on city property or time.
- Conviction of a felony as defined by applicable law.
- Loss of necessary position requirements or abilities to perform the work, except as restricted by state and/or federal law.
- Violation of the city's non-discrimination and non-harassment policy, including any failure to notify personnel department.
- Willfully overriding, removing, failing to use or inappropriately using safety devices or protective equipment which results in or could result in injury to an employee or citizen.

#### **SECTION 8.4                      SUSPENSION, DEMOTION OR TERMINATION OF POLICE OFFICERS**

The chief or any other police officer that has been suspended, demoted or dismissed from service, or a recommendation made for demotion or dismissal, may appeal any such action to the police personnel board; and he shall be granted a public hearing if desired before such board within thirty (30) days of the filing of the notice of appeal. Notice of appeal shall be in writing and filed with the city clerk within three (3) days after the action taken against the officer. The decision of the personnel board is subject only to appeal as provided by statutes relating to administrative review. If the decision is in favor of the officer, he shall be reinstated with all rights unimpaired and paid all wages lost as the result of any such action.

## **Regulation 9. Separation of Employment**

It is the goal of the city to accomplish all separations whether voluntary or involuntary in a professional and efficient manner while respecting, to the degree possible, the privacy of the employee.

All separations of employees from positions shall be designated as one of the following types and will be accomplished in the manner prescribed herein.

Employees who separate employment shall receive payment for all earned salary and earned annual leave, subject to deductions or forfeitures pursuant these regulations.

### **SECTION 9.1**

#### **LAY OFFS**

An employee may be laid off when it becomes necessary due, but not limited to, budgetary constraints or organizational restructuring. Employees who are qualified for other open positions in the city may be transferred. The city administrator will have the authority to make the determination as to whether an employee is qualified for the position and if there is an open position within the city and may transfer that employee based on the needs of the city. Transfers made in this manner are exempt from the exclusions contained within Section 4.10 and 4.11 as long as the transfer is not a violation of Missouri State Statutes.

If there are no open positions available or if the employee is not qualified for an open position, the layoff(s) shall occur in the departments and positions as determined by the city administrator. Employees to be laid off shall be determined by the employees' abilities and qualifications to perform the work and their annual performance evaluation(s). If abilities, qualifications and performance are substantially equal among several employees, the order of layoffs shall be seniority-based with the least senior employee(s) being separated first.

An employee in good standing who is laid off in accordance with this section shall be eligible for future re-hire.

Employees, by seniority, shall have bumping rights to bargaining unit classifications for union-eligible persons, for other persons to other lower level positions within their department.

### **SECTION 9.2**

#### **RESIGNATION**

To support the successful delivery of municipal services, all full-time employees are required to give a minimum of two (2) weeks notice, in writing, prior to resigning city employment. This notice constitutes the resignation period. The city administrator may waive this requirement in extraordinary circumstances.

To support the professional management of city operations, department heads are required to give a minimum of thirty (30) days notice, in writing, prior to resigning city employment. This notice constitutes the resignation period. The city administrator may waive this requirement in extraordinary circumstances.

All resignations are considered final and binding unless rescinded with the approval of the city administrator.

Failure to give proper notice of resignation as required by this section may be cause for denying future employment with the city. Additionally, failure to provide notice as required by this section shall be cause for the employee to forfeit compensation for accrued leave time as outlined in [Section 6.1D](#) and [Section 6.2D](#).

Requested vacation or other leave time will not be approved or compensated during the resignation period except for extraordinary circumstances as approved by the city administrator.

### **SECTION 9.3 ABANDONMENT OF POSITION**

Employees who fail to report for duty and fail to provide proper notice of leave as required in [Section 6.18](#) for three (3) consecutive work periods shall be considered to have abandoned their position with the city. For fire department shift employees, this provision is defined as two (2) consecutive work shifts.

Employees who abandon their position with the city shall be considered to have failed to provide notice as required by this section shall be cause for the employee to forfeit compensation for accrued leave time as outlined in [Section 6.1D](#) and [Section 6.2D](#).

### **SECTION 9.4 TERMINATION**

Police merit system employees may only be dismissed for cause, as set out in section 30-107 of the city code.

### **SECTION 9.5 INABILITY TO PERFORM JOB DUTIES**

An employee may be separated from employment when they cannot perform the required duties of the position.

#### *Mental or Physical Impairment*

An employee may be separated when a mental or physical impairment prevents them from completing the required duties of their position. The employee, his legal representative or his department head may request in writing that the department head and the city administrator hold an informal hearing to determine whether an impairment exists.

The decision must be based, at least in part, on competent medical evidence. The city may require an examination at its expense and performed by a physician of its own choice, to aid in determining impairment.

#### *Loss of Qualification*

An employee may be separated when the employee loses a qualification required to complete the duties of their position. This may include a commercial driver's license, a drivers license or other certifications required by the position.

### **SECTION 9.6 EXHAUSTION OF LEAVE TIME**

An employee may be separated if the employee exhausts all available leave time as provided in [Regulation 6](#) and fails to report for duty for three (3) consecutive work periods.

**SECTION 9.7****DEATH**

Whenever a city employee dies, all compensation due to the employee, including accrued leave time as outlined in [Regulation 6](#), shall be paid as designated by the employee.

**SECTION 9.8****RETIREMENT**

Any eligible employee wishing to retire from city employment should do so by submitting a written statement of intent to their department head at least thirty(30) days before the effective date of retirement. This provision may be waived by the department head based on the best interests of the city. The employee is responsible for making application to LAGERS as well as to social security and the city deferred compensation program(s), as applicable.

Information concerning LAGERS and the city-sponsored deferred compensation programs are available from the personnel department.

Besides the retirement benefit provided through LAGERS, employees who separate due to retirement shall receive credit for accrued leave time as outlined in [Regulation 6](#).

**SECTION 9.10****EMPLOYEE RESPONSIBILITIES AT SEPARATION**

All employees leaving city employment shall return city owned property and equipment in possession of the employee, including keys, uniforms, identification card, policy manuals, etc., to the department from which the employee is separating, and shall pay all debts due to the city. Failure to return city property or pay debts due to the city may result in the withholding of final pay otherwise due to the employee.

## **Regulation 10. Additional Provisions**

### **SECTION 10.1**

### **GRIEVANCE PROCESS**

The city desires to provide a positive working environment for our employees. Despite the city's best efforts, from time to time an employee may feel dissatisfied or annoyed with some aspect of their work over which they have no control and over which they desire corrective action.

Supervisors and other authorities shall see that all questions, complaints and grievances receive prompt, impartial and systematic consideration in attempting to reach satisfactory results.

Grievance forms are available from the personnel department.

When a grievance does arise, the process is as follows:

#### **A. Informal Discussion**

An attempt should be made to handle the matter informally. Calm and sensible discussion between the employee and the immediate supervisor can resolve most employee problems.

If an informal discussion does not produce satisfactory results, employees may move to the next step in the grievance procedure.

#### **B. Departmental Appeal**

If the grievance is not settled through informal discussion, the employee may file written appeal with their department head, setting forth the facts as they view them and the action desired to correct the situation. The written appeal must be filed within ten (10) working days of the incident. The department head shall obtain all pertinent information about the case, and may hold a conference with all parties concerned if necessary. The department head shall notify the employee, the applicable supervisor and the city administrator of their decision within five (5) working days of receipt of the appeal.

If a departmental appeal does not produce satisfactory results, employees may move to the next step in the grievance procedure.

#### **C. Administration Appeal**

If the grievance is not settled through the departmental appeal, the employee may file an appeal with the city administrator within ten (10) working days of receipt of the decision of the department head. The city administrator shall make such investigation and conduct such hearings as he/she deems necessary and shall, within ten (10) working days after receipt of the employee's request for review, inform the employee, department head and mayor in writing of his/her findings and decision.

The decision of the city administrator shall be final.

Any step of the procedure may be the last. An employee's grievance shall be considered settled at the completion of any step of the grievance procedure if all parties involved are satisfied. It is hoped that the great majority of grievances will be settled in the first step. However, nothing in these regulations shall be construed as limiting the employee's right to exhaust the remedies provided herein.

## **SECTION 10.2**

## **GRIEVANCE PROCEDURE FOR POLICE MERIT EMPLOYEES**

The city desires to provide a positive working environment for our employees. Despite the city's best efforts, from time to time an employee may feel dissatisfied or annoyed with some aspect of their work over which they have no control and over which they desire corrective action.

Supervisors and other authorities shall see that all questions, complaints and grievances receive prompt, impartial and systematic consideration in attempting to reach satisfactory results.

Grievance forms are available from the personnel department.

When a grievance does arise for a police department merit employee, the process is as follows:

### **A. Informal Discussion**

An attempt should be made to handle the matter informally. Calm and sensible discussion between the employee and the immediate supervisor can resolve most employee problems.

If an informal discussion does not produce satisfactory results, employees may move to the next step in the grievance procedure.

### **B. Policemen's Advisory Committee Appeal**

If the grievance is not settled through informal discussion, the employee shall file an appeal with the policemen's advisory committee. However, the policemen's advisory committee may not hear grievances arising out of disciplinary action taken against an officer. The aggrieved or complaining officer shall apply for a hearing before this committee within three (3) working days of the date of the action causing the grievance. The committee shall investigate the matter and hold a hearing with all parties concerned, within three (3) working days of the date of the grievance.

If no solution can be reached within three (3) working days of the hearing, the aggrieved or complaining officer may go to the next step.

### **C. Chief of Police Appeal**

If the grievance is not settled by the policemen's advisory committee, the employee may file a written appeal with the chief of police setting forth the facts as he or she knows them and the action felt needed to correct the situation. All matters involving the disciplinary action shall be grieved directly to the police chief. The chief shall obtain all pertinent information about the case, and may hold a conference with all

parties concerned, if it is deemed necessary. The chief shall notify the employee, the applicable supervisor, mayor and the police personnel board of his or her decision within five (5) working days of receipt of the written grievance.

If a chief of police appeal does not produce satisfactory results, the officer may move to the next step in the grievance procedure.

#### D. Police Personnel Board Appeal

If the grievance is not settled through the chief of police appeal, the employee may file an appeal with the police personnel board within ten (10) working days following the receipt of the decision. The personnel board shall hold a hearing within ten (10) working days of its receipt of the grievance. The police officer has the right to be represented by counsel, if he or she so chooses, during this hearing. The appeal shall be made by the appealing officer to the city clerk, along with a written statement signed by the officer, in which he or she appeals to the personnel board from the chief of police, and if so desired, asks for a public hearing. The police personnel board shall conduct such investigation as needed, and shall render a decision on the grievance within thirty (30) days of the hearing. The decision of the police personnel board shall be final.

## **Regulation 11. Non-Discrimination and Non-Harassment Policy**

The city is committed to providing a workplace free of unlawful discrimination and harassment, which includes discrimination or harassment based on race, color, religion, sex, national origin, age or disability. The city will not tolerate discrimination or harassment of employees by managers, supervisors, or co-workers. Similarly, the city will not tolerate harassment of its employees by non-employees with whom the city's employees have a business, service, or professional relationship.

The city's policy is that any form of unlawful discrimination or harassment is completely unacceptable and will not be tolerated. Any employee or member of management who discriminates against or harasses another employee will be subject to disciplinary action up to and including termination of employment. It is the obligation of all employees of the city to maintain a work environment free from unlawful discrimination or harassment. As part of this obligation, all employees are encouraged to report incidents of discrimination or harassment, utilizing the complaint procedure below.

Any employee who makes a complaint of discrimination or harassment or provides information related to such a complaint or incident of discrimination or harassment will be protected against retaliation.

### **SECTION 11.1**

#### **DEFINITION OF DISCRIMINATION**

Discrimination for the purpose of this policy is defined as actions regarding pay, benefits, promotions, transfers, layoffs, discipline, work assignment and work environment or any other term, condition or privilege of employment directed towards an employee on the basis of race, color, religion, sex, national origin, age or disability for which there is no bona fide business purpose.

### **SECTION 11.2**

#### **DEFINITION OF HARASSMENT**

Harassment for purposes of this policy is defined as verbal or physical conduct that is derogatory or that shows hostility toward an individual because of his or her race, color, religion, gender, national origin, age or disability, and that creates an intimidating, hostile, or offensive working environment. Harassment may include, but is not limited to epithets, abusive language, slurs, jokes, or other verbal or physical conduct relating to an individual's race, color, religion, gender, national origin, age or disability.

Examples of sexual harassment include, but are not limited to, unwanted sexual advances or touching, graphic sexual depictions, displays in the workplace or while on city business of sexually suggestive objects or pictures, and/or humiliating or offensive comments, jokes, or innuendoes. Sexual harassment may also consist of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that creates an offensive or hostile working environment. Sexual harassment does not refer to an occasional compliment of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, and which, therefore, interferes with work effectiveness. This policy also prohibits same-sex harassment.



### **SECTION 11.3**

### **SCOPE OF POLICY**

This policy is intended to cover all city employees and other individuals with whom employees have business, service, or professional contact through their employment with the city. All supervisors are also covered by this policy and are prohibited from engaging in any form of discrimination or harassing conduct as defined herein. Further, no supervisor has the authority to suggest to any employee that continued employment, future advancement, or other terms or conditions of employment will be affected in any way by any employee's acceptance of a discriminatory practice or a hostile or offensive work environment. Such conduct on the part of any member of management is a direct violation of this policy.

### **SECTION 11.4**

### **COMPLAINT PROCEDURE**

An employee who believes that they are being discriminated against or harassed at the workplace, or believes that their employment is being adversely affected by such conduct, should immediately report such concerns to his or her department head or one of the following individuals in the personnel department:

Personnel Director or Personnel Specialist  
City Hall – Suite 204  
200 S. Osage Avenue  
Phone: (660) 827-3000

After a complaint of discrimination or harassment is received, a prompt, thorough, and impartial investigation will be conducted and appropriate disciplinary action will be taken in the event the complaint is found to have merit. All complaints of discrimination or harassment will be conducted in a discreet manner with the privacy of all employees kept in mind.

Supervisors who observe or have knowledge of discriminatory or harassing conduct should inform their department head and the personnel director immediately. If it is determined that discrimination or harassment has occurred, the city will take prompt and appropriate corrective action.

Employees who observe conduct which appears to constitute sexual or other forms of workplace harassment or discriminatory conduct are required to inform their supervisor of their observations of the alleged misconduct.

An employee's failure to report harassment or discrimination that is observed will be subject to discipline up to and including discharge. A Supervisor's failure to take appropriate action will also be grounds for discipline up to and including discharge.

Further, the city will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint of discrimination or harassment. If an employee believes they have been retaliated against for reporting discrimination or harassment, or for making a complaint of discrimination or harassment, or for participating in an investigation related to discrimination or harassment, they should immediately report the alleged retaliatory action to their department head or the personnel director.

## **Regulation 12. General Definitions**

**Demotion** – An employee transferring, voluntarily or involuntarily, to a position in a lower salary grade as outlined in [Section 5.4](#).

**Elected Official** – A person elected by the citizens of Sedalia to fill an office for a defined period of time. Elected officials are not considered employees of the city.

**Employee** – A person who is working for a department of the city on a full-time, part-time or seasonal/temporary basis.

**Employer** – The City of Sedalia, Missouri.

**Forfeit Time** – When an employee is absent from work and has exhausted all available vacation, personal, compensatory and sick leave time, the employee shall not be compensated for the hours.

**Grievance** – Any dispute regarding the meaning, interpretation, application or alleged violation of the terms and provisions of these regulations.

**Hourly Employee** – An employee who is paid on a per-hour basis, classified as non-exempt in section [5.3\(E\)](#) and eligible for overtime compensation. All employees are considered hourly employees unless otherwise designated in [Appendix A](#).

**Incompetent** – An employee who is incapable, or does not possess the necessary ability, skill, etc. to perform necessary essential function of a job.

**Insubordination** - A subordinate employee deliberately disobeying a lawful order given by a superior. Refusing to perform an action which is unethical or illegal is not insubordination; neither is refusing to perform an action which is not within the scope of authority of the person issuing the order.

**Negligence** – The omission of precaution, care or action that would be reasonably expected in a given situation.

**Overtime** – Authorized time worked by an employee in excess of the working hours per work period for their position as defined in Section [5.3\(E\)](#).

**Permanent Employee** – A full-time employee who has successfully completed a probationary period.

**Probationary Employee** – An employee serving a probationary period.

**Probationary Period** – A period of time as outlined in [Section 4.8](#), beginning with the date of employee's hire as a full-time or part-time employee, which will serve as a test or trial period to evaluate the capabilities of the employee. As their appointment is typically for less than six (6) months, seasonal/temporary employees are not subject to a probationary period.

**Promotion** – An employee transferring, voluntarily or involuntarily, to a position in a higher salary grade as outlined in [Section 5.4](#).

**Resignation Period** – The time between the date when an employee submits notice of resignation and their last day of employment with the city.

**Rolling Period** – A rolling period is a period of time that begins with the first date of the period and continues for a defined period of time. For example, if a twelve month period begins on March 1 and is considered a rolling period, that period of time would end on the following March 1.

**Salaried Employee** – An employee, typically a department head or other senior manager, who is paid on a salaried basis, classified as exempt in [Section 3.2](#) and ineligible for overtime compensation.

**Work Day** – For written notice or grievance purposes, Mondays through Fridays, excluding city holidays as defined in [Section 6.6](#). For all other purposes, a work day shall be as defined in [Section 5.3](#).

## **Regulation 13. Union Relations**

### **SECTION 13.1**

#### **UNION DEFINITIONS (AMENDED 05/18/2015, ORD 10318)**

**COUNCIL** - COUNCIL 72 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AND IAFF LOCAL 103 AND MID-MISSOURI REGIONAL LODGE #16 OF THE FRATERNAL ORDER OF POLICE (FOP #16).

**Employee** - A person in the bargaining unit as defined by Public Case # R92-018 before the Missouri State Board of Mediation or IAFF Local 103 or FOP #16.

**Employer** - The City of Sedalia, Missouri.

**Local Union Officer** - An employee elected official of Local 3825 or IAFF Local 103 or FOP #16.

**Parties** - The Union and the Employer.

**Stewart** - An elected/appointed employee member representative of Local 3825, AFSCME, IAFF Local 103, or FOP #16.

**Union** - Missouri State Council 72 of American Federation of State, County and Municipal Employees (AFSCME) of the American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), IAFF Local 103 or FOP #16.

**Union Member** - Any employee of the employer who has appointed the Union as their bargaining representative.

**Union Representative** - An employee of the American Federation of State, County and Municipal Employees (AFSCME) Council 72, IAFF Local 103 or FOP #16.

### **SECTION 13.2**

#### **GENERAL UNION INFORMATION**

##### **A. Union Recognition**

The employer, pursuant to certification by the Missouri State Board of Mediation, if applicable, recognizes the Union as the sole and exclusive (bargaining) representative of all employees included in the bargaining unit.

If new job classifications are established by the city, the employer shall promptly notify the Union. In the future, should new classifications be established by the city and utilized by the employer, or should existing classifications which would normally be a part of the bargaining unit, although not presently being utilized by the employer, become filled, the parties shall meet, confer and discuss to determine whether such positions are to be included in or excluded from the bargaining unit. If the parties are unable to agree as to whether the job classifications should be included or excluded from the bargaining unit, the matter shall be decided by the Missouri State Board of Mediation.

## B. Exclusivity

The employer will not meet with any other employee organization with reference to changes or improvements in terms and conditions of employment of those Employees represented by AFSCME (American Federation of State, County and Municipal Employees) Missouri Council 72, IAFF Local 103 or FOP #16.

## C. Non-Discrimination

There shall be no discrimination or favoritism in employment or compensation of employees because of political activity or lack thereof or Union membership or non union membership.

## D. Union Rights

The employer shall provide bulletin boards in all departments; such boards shall be exclusively for union use and shall be in visible areas.

The union representative shall have access to employees during lunch periods, break times and such other times as may be approved by supervisors when such access does not interfere with duties or work performance.

Employees shall have the right to assist the union, participate in the management of the union and act for the union in the capacity of representative, including but not limited to presentation of its views to city officials, county and state legislature or other appropriate authorities.

The union representative shall be permitted to enter city facilities at any reasonable time for the purpose of discussing, processing or investigating grievances, or fulfilling the union's role as collective bargaining agent. Union representatives shall give notice of their presence immediately to the supervisor in charge and shall not interfere with the performance of duties.

The employer will allow the union to use employee mail boxes where available.

The employer may grant a leave of absence without pay, not to exceed six (6) months, to an employee, upon written notice, so they may engage in union activities.

## E. Employee Rights

An employee shall be entitled to have a union steward or representative present at every step of the established grievance procedure.

An employee shall be entitled to have union representation at each stage of any disciplinary proceedings during which an action is taken or is proposed to be taken, against the employee. The employer's response to a disciplinary proceeding shall be provided to the employee within three (3) days of the date of the proceeding.

No employee shall be coerced, intimidated or suffer any reprisal either directly or indirectly that may adversely affect their hours, wages or working conditions as the result of the exercise of their rights under this agreement.

Employees will be reimbursed, in a timely manner, by the employer for damage to personal property or prosthesis while on duty. Employees will exercise reasonable care with regard to said personal property while on duty. It is agreed by the parties that normal wear is not considered damage.

Verbal orders received by employees shall be consistent with the employer's personnel rules and regulations.

Change in the personnel regulations manual shall be disseminated to employees at least seven (7) days prior to implementation. Changes in personnel regulations which involve possible financial expenditures by employees shall first be presented to the labor/management committee and other applicable committees prior to implementation.

Employer and union recognize the right of all employees and all applicants for employment to be free to join the union, or to refrain from membership, and to participate in lawful concerted Union activities or refrain from same.

Employer shall distribute to all new employees, an informational packet which outlines benefits provided by the union. Such packet will be provided to employer by the union.

#### F. Union Representation

The employer shall recognize two (2) stewards in addition to a chief steward. Each steward shall have an alternate to function in the steward's absence.

Local union officers who are not stewards may represent employees if the designated steward or alternate is not available when needed for steward activities.

The employer shall allow time to each steward, chief steward, alternate steward or union officer during their duty hours of work, without loss of pay for the purpose of receiving, investigating or filing grievances.

Before engaging in any union activity or leaving the duty station the chief steward, steward, alternate or local union officer shall obtain the permission of their immediate supervisor. The steward or alternate shall state the nature of the business, location and employee to be visited. If no disruption of service would result from the steward or alternate's absence from the work site, the supervisor

shall grant permission to proceed by at least the next work day. Upon the steward or alternate's return to the work site, the steward or alternate shall notify the supervisor before resumption of their duties.

#### G. Committees - ASFSCME

The following two committees are applicable to the AFSCME bargaining unit:

## 1. Labor/Management Committee

To facilitate communications between the parties and to promote a climate conducive to constructive and harmonious employee/employer relations, a joint labor/management committee shall be established to discuss the implementation of the personnel rules and regulations, and other matters of mutual interest. The committee shall be limited to no more than three (3) representatives from the union and an equal number designated by the employer. The council president and city administrator or mayor may serve as ex-officio members of this committee. The composition of the local union's component of the labor/management committee shall be at the discretion of the union. Time approved for such meetings shall be authorized and compensated by the employer. Said committee shall meet as necessary, but at least semi-annually. Written agenda shall be submitted a week in advance of regular meetings.

## 2. Safety Committee

Employer shall establish a safety committee. The union may appoint two (2) bargaining unit employees to serve on the committee and the city may appoint two (2). The committee may meet regularly, but shall meet at least quarterly each year.

The committee chairperson shall provide a minimum of five (5) days advance notice to the appointed union committee members of any scheduled committee meetings.

Committee attendance by the union committee members shall be considered as time worked. Minutes of the safety committee shall be provided to the union committee person. Employees and the union may exercise all rights to secure a safe and healthy workplace without threats, loss of pay, or other reprisals of any kind.

It shall not be a violation of any provision of these personnel regulations for an employee to refuse to work, return to work or continue working, when any condition exists which has been identified, reported and confirmed that would endanger his/her safety or health or that of another person.

All accidents and illnesses claimed to be work related; arising at the worksite or in connection with work processes or procedures shall be reported immediately to the appropriate supervisor, with a copy of the report sent to AFSCME Council 72.

All employees of the appropriate unit shall be alert to any conditions they believe to be unsafe and shall report such conditions to their supervisors.

# **Appendix**

## **APPENDIX A**

## **FLSA EXEMPT EMPLOYEE CLASSIFICATION LIST**

The following employees are considered Exempt Employees under the Fair Labor Standards Act (FLSA). Exempt employees are not eligible for overtime compensation and are paid based on an annual salary.

### **Administration**

City Administrator, City Attorney

### **Airport**

Airport Director

### **Cemetery**

Cemetery Director

### **City Clerk**

City Clerk

### **Community Development**

Community Development Director, Chief Building Official, Code Enforcement Supervisor

### **Finance**

Finance Director, Accounting Manager, Utility Billing Supervisor

### **Fire**

Fire Chief, Deputy Fire Chief, Training/Administrative Fire Captain

### **Parks & Recreation**

Parks & Recreation Director, Parks Superintendent

### **Personnel**

Personnel Director

### **Police**

Police Chief, Police Commander

### **Public Works**

Public Works Director, Sanitation Superintendent, Street Superintendent, Vehicle Maintenance Superintendent, Water Division Operations Manager.