

RESOLUTION 2013-008

A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL MANUAL, EFFECTIVE NOVEMBER 13, 2013

WHEREAS, Section 105.270 of the Code of the City of Paola, Kansas provides for the preparation, revision, and amendment of a Personnel Manual; and,

WHEREAS, the City Manager has submitted a proposed and revised Personnel Manual to the Governing Body as follows:

Section 3.1 of the Personnel Manual is hereby amended to read as follows:

3.1 Definitions. The following are employment designations for employees employed by the City:

- a. **Full-time Employee.** A full-time employee is one employed to work a normal week of at least 30 hours on a regular and continuing basis. A workweek shall begin on Sunday and end on Saturday except as otherwise approved by the City Manager.
- b. **Part-time Employee.** A part-time employee is one employed to work less than 30 hours per week on a regular and continuing basis.
- c. **Temporary or Seasonal Employee.** A temporary or seasonal employee is one who is employed to work for a short and defined period of time. This employee's weekly schedule may vary but will not exceed 1,000 in any twelve (12) month period.

Section 4.13 of the Personnel Manual is hereby amended to read as follows:

4.13 Pay at Termination. All employees who terminate their employment with the City, voluntarily or involuntarily, will be paid on the next regular payday. Checks will be mailed upon request.

Employees must resign in good standing and give a minimum of two weeks notice to receive payment for unused vacation time, personal time, and compensatory time; and twenty-five (25) percent of accrued, unused sick hours.

Employees will not be granted sick leave once a resignation has been submitted and accepted. However, the City Manager will have the authority to grant sick leave after resignation based upon extenuating circumstances.

Employees who fail to resign in good standing, discharged for cause, or who voluntarily terminate City employment without giving a minimum of two (2) weeks notice, shall not receive pay for any accrued benefits other than unused vacation and any accumulated compensatory time.

Employees who are being laid-off and work through their last scheduled work day will be paid for unused vacation time, personal time, and compensatory time; and twenty-five (25) percent of accrued, unused sick hours. If an employee is reinstated within ninety (90) days after a lay-off and had received twenty-five (25) percent of his/her sick leave at the time of the lay-off, seventy-five (75) percent of the sick leave balance will be reinstated.

Section 5.3 of the Personnel Manual is hereby amended to read as follows:

5.3 Punctuality, Illness, and Absenteeism. The City will try to accommodate an employee who has been ill and will continue in this effort whenever illness occurs or personal emergencies cause absences or lateness. However, the City's success depends on each employee being at work each time they are scheduled to work. Absenteeism or tardiness places an extra burden on other employees and causes a general interruption in City services. It is every employee's responsibility to be at work on time unless prior arrangements have been made to cover your scheduled shift.

If you are unable to work a scheduled shift, you are required to notify your supervisor at least twenty-four hours in advance, except when leave is necessitated by an emergency or sudden illness. The procedures for requesting and reporting illnesses are found in Section 6.3. Misuse of sick time as defined in Section 6.3 may result in disciplinary action, up to and including termination. Failure to notify your supervisor of leave in advance will be considered an unexcused absence that may result in disciplinary action, up to and including termination.

Employees are expected to report to work as scheduled. If the employee does not report to work as scheduled and fails to notify the supervisor within 30 minutes of scheduled starting time, the employee will be considered tardy. Notification to the supervisor does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary. Employees who are tardy with or without notification three (3) or more times within a six (6) month period may be subject to disciplinary action, up to and including termination.

Section 6.3(a) of the Personnel Manual is hereby amended to read as follows:

6.3 (a) Sick Leave Policy. Full-time employees earn sick leave with pay for absences resulting from illness, injury, or other physical incapacity; medical appointments with a licensed doctor of medicine, dentistry, chiropractic, optometry, psychiatry, or other licensed medical professional; as a result of their own illness or an illness of a member of their immediate family as defined in this handbook. Sick leave accruals are a valuable asset and intended to protect employees from economic losses from medical incapacitations. It is the policy of the City to take corrective action for unauthorized use and/or abuse of sick leave

Section 6.3(f) of the Personnel Manual is hereby amended to read as follows:

6.3 (f) Sick Leave Notification. To be eligible for sudden illness or emergency sick leave, an employee shall notify his/her immediate supervisor of the reason for the absence no later than thirty (30) minutes after the beginning of the work day for which sick leave is requested. In the event that extenuating circumstances exist the Department Head may grant sudden illness or emergency sick leave without the thirty (30) minute notice with the approval of the City Manager. The Department Head shall report approved sick leave to the personnel office.

Section 6.3(h) of the Personnel Manual is hereby amended to read as follows:

6.3 (h) Misuse of Sick Leave. Misuse of sick leave is defined as use for which it was not intended or provided or a pattern of abuse. Pattern of abuse may include the following:

- a. Before and/or after holidays.
- b. Before and/or after weekends or regular days off.
- c. After pay days.
- d. Any one specific day.
- e. Absence following overtime worked.
- f. Continued pattern of maintaining zero or near zero leave balances.
- g. Excessive absenteeism. Uses more sick leave than granted.
- h. Usage of sick leave on days previously requested and denied as vacation.

- i. Failure to produce requested medical documentation.
- j. Any pattern of absenteeism which is discernible and in the opinion of the Department Head and Human Resource Director constitutes a perceived pattern of absenteeism.

This list is not considered all inclusive and other circumstances may be considered misuse or patterns of abuse. An employee who improperly claims sick leave or misuses sick leave shall be subject to disciplinary action, including counseling, loss of pay, suspension or termination at the discretions of the City Manager.

Section 6.4 of the Personnel Manual is hereby amended to read as follows:

6.4 Family and Medical Leave. The City provides up to twelve (12) weeks of job-protected leave to eligible employees in accordance with the Family Medical Leave Act and up to twenty six (26) of special leave entitlement to care for a covered service member. The leave may be paid, unpaid or a combination of paid and unpaid leave.

To be eligible for any family or medical leave under this policy the employee must meet all of the following conditions: worked for the City for at least one (1) year, and worked one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately before the date when the requested leave is to begin.

Basic Leave Entitlement

To qualify as FMLA twelve (12) week leave the employee must be taking job protected leave for the following reasons:

- 1. For incapacity due to pregnancy, prenatal medical care or child birth.
- 2. To care for the employee's child after birth, or placement for adoption or foster care.
- 3. To care for the employee's spouse, son, daughter or parent, who has a serious health condition
- 4. For a serious health condition that makes the employee unable to perform the employee's job

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is a covered activity duty or call to covered activity duty status may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave that permits eligible employees to take up to 26 weeks for leave to care for a covered service member during a twelve (12) month period. A covered servicemember is:

- 1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise In outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*.
- 2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

***The FMLA definition of "serious injury or illness" for current service members and veterans are Distinct from the FMLA definition of "serious health condition".**

FMLA to care for a covered service member is the only type of FMLA leave that may extend an employee's leave beyond the twelve (12) weeks to twenty six weeks (26) maximum. All FMLA leave is combined when totaling the twenty six week (26) maximum.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent-in-law) with a serious health condition, the husband and wife may only take a combined total of twelve (12) weeks leave.

If a husband and wife both work for the City and each wishes to take leave to care for a covered service member, the husband and wife may only take a combined total of twenty six (26) weeks of leave allowed under Military Family Leave Entitlements.

- (a) **Commencement of Family and Medical Leave.** Absences commencing during the time of family and medical leave should be handled under sick leave, vacation leave, authorized leave without pay, or a leave of absence. The employee may not be compelled to use sick leave or vacation leave in any particular order; however, the employee must utilize all paid leave before leave without pay. The employee must state in what order he/she desires to utilize paid leave. The employee is then covered by the appropriate policy.
- (b) **Certification of Leave.** Certification of a serious health condition issued by a health care provider will be required for an employee requesting FMLA leave for them self.

An employees requesting FMLA leave for care of a spouse, child or parent will be required to provide certification by the health care provider of that family member.

An employee requesting FMLA under the activity duty or call to activity duty provision must provide proof of the qualifying family member's call-up or active military service before leave maybe granted.

An employee requesting leave under the injured service member leave provision must provide certification of the family member or next of kin's injury, recovery or need for care. An employee requesting FMLA leave under the injured service member leave provision for next-of-kin may be asked to provide proof of relationship.

- (c) **Doctor's Release.** A Department Head shall require an employee returning from a pregnancy or pregnancy-related condition to have a doctor's release following the end of the pregnancy. The release must specifically state whether or not the employee is capable of fulfilling full job duties and the date the employee is released.
- (d) **Pregnancy.** No employee shall be compelled, coerced, or ordered to begin maternity leave at any time during the period of pregnancy. Pregnancies and disabilities caused or contributed to by pregnancy shall be considered and treated as temporary disabilities. Employees affected by pregnancy and related conditions must be treated the same as other employees on the basis of their ability or inability to work.
- (e) **Maternity and Paternity Leave.** Birth parents, adoptive parents, and foster parents shall be considered for maternity/paternity leave at the time of birth, adoption, or placement. If the birth, adoption, or placement is reasonably foreseeable, the employee shall provide the City with at least thirty (30) days notice before the leave is to begin. If the birth, adoption, or placement is not reasonably foreseeable, the employee should notify the City as soon as practical. The employee may request a total of up to twelve (12) weeks of maternity/paternity leave in a twelve (12) month period.

(f) **Restoration:** An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay, and other terms and conditions of employment.

(g) **Health Insurance Coverage:** The City will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the City can recover its share of premiums that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for the City's share of health care premiums paid while on family leave. In such cases, a certification issued by a health care provider may be required.

Section 6.8 of the Personnel Manual is hereby amended to read as follows:

6.8 Personal Leave.

(a) **Annual Personal Leave.** Full time employees who are not in a probationary status will be given eight (8) hours of personal time at the beginning of the calendar year with pay. Personal leave will be given no later than the second payroll in the calendar year. Personal leave is subject to the schedule of the supervisor and should be used before December 1st of said calendar year. If personal leave is not used during the year, it shall be forfeited at the end of the year without any payment due to the employee. Personal time may be taken in one hour increments.

(b) **Bonus Personal Time.** Bonus personal time shall be rewarded to employees not using sick leave as prescribed by the following schedule:

<u>Hours of Sick Leave Used</u>	<u>Personal Hours Awarded</u>
0 - 3	24
3.5 - 8	16
8.5 -16	8
16.5 or more	0

To qualify for bonus personal time, an employee must have been employed by the City for the entire calendar year. Bonus personal time will be awarded no later than the fourth pay period of the calendar year and must be used prior to the end of the calendar year that it is awarded or it shall be cancelled without any payment due to the employee. Bonus personal time may be taken in 1 hour increments.

Section 2.7(m) of the Personnel Manual is hereby deleted.

Section 9.7 of the Personnel Manual is hereby added and shall read as follows:

9.7 Wellness Program: The City is proactive in the health and well-being of our employees. The City throughout the year will plan events to educate and encourage employees to take charge of their overall health and activity levels.

As part of the wellness program the City offers the use of a workout facility to employees and their immediate family members. To further assist employees to become active and increase physical activity the City will provide an annual individual pool pass upon request. All facilities are located on City property and availability is provided to promote the health and well-being of our employees.

NOW THEREFORE BE IT RESOLVED by the governing Body of the City of Paola, Kansas that said Sections of the Personnel Manual be hereby amended and adopted as the official policy of the City of Paola, Kansas effective on November 13, 2013.

BE IT FURTHER RESOLVED that this Amended Personnel Manual is intended to and shall replace all previous versions, and that copies of said manual shall be available in the office of the City Clerk.

PASSED, APPROVED AND ADOPTED this 12th day of November, 2013.

Artie Stuteville, Mayor

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ATTEST:

Daniel G. Droste, City Clerk