

RESOLUTION 2014-009

A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL MANUAL, EFFECTIVE NOVEMBER 11, 2014

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

1.1 Rules Established. The following rules, regulations, and other provisions for personnel administration in the City of Paola, Kansas are established to:

- (a) Promote and increase the efficiency and effectiveness of City service.
- (b) Develop a program of recruitment, advancement, and tenure, which will make City service attractive as a career.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based on the duties and responsibilities of each position to assure a fair and equitable wage and salary to all employees.
- (d) Establish and promote high morale among City employees by providing good working relationships, uniform personnel policies, and an opportunity for advancement without regard to race, color, gender, disability, religion, age, national origin, or ancestry.
- (e) Provide fair and equal opportunity for all employees and applicants for City employment in all positions on the basis of merit and fitness, without regard to race, color, gender, disability, religion, age, national origin, or ancestry.
- (f) Establish City employment and personnel policies. These rules and regulations do not create contractual employment right. **All employees are considered to be at-will employees for the purposes of City employment.**
- (g) Establish reasonable hours of work based on the City of Paola's needs.
- (h) Offer training opportunities for those whose talents or needs justify the training.
- (i) Be receptive to constructive suggestions about job duties, working conditions or personnel policies.

The City of Paola, as part of the commitment to providing citizens with excellent service and to creating a productive work environment expects all employees to:

- (a) Deal with citizens' and vendors in a professional manner.

- (b) Represent the City of Paola in a positive and ethical manner.
- (c) Perform assigned tasks in an efficient manner.
- (d) Be punctual and work as scheduled. (See Section 5.3 Punctuality, Illness and Absenteeism)
- (e) Demonstrate a considerate, friendly and constructive attitude toward fellow employees.
- (f) Follow the policies adopted by the City of Paola.

Section 2.2 of the Personnel Manual is hereby amended to read as follows:

2.2 Tobacco Use Policy. The purpose of this policy is to promote wellness, ensure a healthy work environment and provide guidelines for tobacco use on the City of Paola grounds or facilities. It applies to all tobacco products. For the purpose of this policy “smoking” is defined as the smoking of tobacco via cigarettes, cigars or pipes or the use of devices or products that may be used to smoke or mimic smoking (including bongos, hookahs, vaporizers, e-cigarettes, etc).

In order to maintain a safe and comfortable working environment protecting employees from effects of secondary smoke, and to ensure compliance with applicable laws, smoking in all City facilities and other designated areas is prohibited. Smoking on City property is discouraged but allowed within state law guidelines. Such law allows for smoking in outdoor areas of any building or facility beyond a 10 foot radius outside any doorway, open window or air intake into any building or facility where smoking is prohibited. All tobacco use is prohibited in all City-owned or leased vehicles.

Because the City recognizes the hazards to the exposure to tobacco smoke, as well as the life threatening diseases linked to all forms of tobacco the City provides a Tobacco Cessation Program for employees. Information on this program is available through the Human Resource Department.

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. Examples of misuse of sick time may be: real or perceived patterns of absenteeism such as the day before

or after a weekend, holiday or vacation day; calling in sick on a day that was previously denied for other leave; any other similar patterns. These are examples only and not intended to be a full or complete list of sick leave abuse. 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.

Sections 6.11 through 6.18 of the Personnel Manual is hereby amended to read as follows:

6.11 Wellness Activity Leave. All Full and Part Time Employees are eligible and encouraged to participate in wellness activities organized and planned by the City's Wellness Committee. Wellness activities may be rewarded with wellness leave time hours.

Wellness leave may be rewarded at the conclusion and finalization of any wellness activity in which leave hours were a pre-determined reward. Wellness leave hours may accrue up to twelve (12) hours. Use of wellness leave is subject to the scheduling and approval of the department Head. Wellness hours may be taken in hourly increments.

Wellness leave that is not used at time of termination, either voluntary or involuntary will be forfeited without any payment to the employee.

6.12 Leave Without Pay. A Department Head may grant leave without pay upon approval by the City Manager for compassionate reasons or compelling personal reasons. Length of service, quality of performance, and urgency of the need shall be taken into account in granting such a request.

6.13 Educational Leave. Upon written request from an employee, educational leave of absence without pay may be granted not to exceed twelve (12) calendar months for course work related to the employee's position.

6.14 Conferences, Meetings, and Official Leave. The City Manager, upon written request of the employee, may grant leaves for conferences and meetings in the interest of the City. Expenses shall be submitted on the appropriate written form for consideration of reimbursement.

6.15 Leave for Victims of Violence. An employee is eligible for leave if they are the victim of domestic violence or sexual assault. Employees shall first use accrued paid leave. If an employee does not have accrued paid leave or uses up all accrued paid leave, the employee shall be granted unpaid leave not to exceed a total of eight (8) days in a calendar year.

An employee who is the victim of domestic violence or sexual assault shall be provided leave for any of the following:

1. To obtain or attempt to obtain any relief to help insure the health, safety, or welfare of the victim or the victim's children, including, but not limited to: a temporary restraining order, restraining order, or injunctive relief;
2. To seek medical attention for injuries caused by domestic violence or sexual assault;
3. To obtain services from a domestic violence shelter, domestic violence program, or sexual assault crisis center as the result of domestic violence or sexual assault; or
4. To appear in court proceedings as a result of domestic violence or sexual assault.

In order to qualify for leave, the employee shall give reasonable advance notice to their Department Head or the Human Resources Director unless such notice is not feasible. Within forty-eight (48) hours of returning from leave, the employee shall provide the Supervisor or the Human Resources Director documentation that supports the need for the leave, which may include, but is not limited to, any of the following:

1. A police report verifying that the employee was the victim of domestic violence or sexual assault;
2. A court order of protection or other evidence from the court or the prosecuting attorney; or
3. Documentation from a medical professional, domestic violence advocate, advocate for victims of sexual assault, health care provider, or counselor for the employee verifying that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

The request for leave and any documentation presented by the employee to the Department Head or the Human Resources Director shall remain confidential to the extent allowed by law. Any request for, or documentation of, such leave presented to a Department Head must immediately be forwarded to the Human Resources Director under confidential cover.

6.16 Shared Leave. The shared leave program is a means to transfer vacation and sick leave to a full-time employee experiencing, either personally or by a family member, a serious, extreme, or life-threatening illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to take a leave without pay or terminate employment.

An employee who lacks sufficient earned sick leave to cover the period of absence because of a temporary medical disability, including pregnancy, may be granted leave without pay as described herein. However, with the approval of the City Manager, any eligible employee may transfer up to one hundred twenty (120) hours of sick leave so long as the donating employee's sick leave does not drop below

ninety-six (96) hours. All donors' and recipients' names shall be kept confidential. All requests for shared leave shall be made through the Human Resources Director.

An employee on shared leave status shall be treated the same as an active employee.

Donated leave shall not revert back to the employee who donated the leave for any reason. In the event an employee who has received shared leave terminates his or her employment, the shared leave shall be forfeited.

6.17 Accrual of Additional Leave Time while on Unpaid Leave. No leave, of any kind, shall be earned or credited to any employee while that employee is on any unpaid leave or suspension except as expressly provided in these policies.

6.18 Compensation for Leave Time. Leave time shall not be credited as time worked when calculating compensation owed for overtime or compensatory time.

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 11, 2014.

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 10th day of November, 2014.

Artie Stuteville, Mayor

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ATTEST:

Daniel G. Droste, City Clerk