

RESOLUTION 2015-008

A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL MANUAL, EFFECTIVE JANUARY 1, 2016

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

2.4 Electronic Mail, Internet, and Intranet Use; Social Media and Social Networking; City Provided Cell Phones.

- (a) **Electronic Mail, Internet, and Intranet Use Policy.** Electronic mail (email), the internet, and the intranet are provided to enable City employees an opportunity to use technology to work more efficiently and effectively. These technologies provide numerous opportunities to access information, interact with other professionals, and conduct business. All email, internet, and intranet images, electronic files, and other information transmitted by, received through, or stored in these systems are the property of the City.

Only employees of the City whose job duties require the use of the email, internet, and intranet system and others who have received permission by the City Manager or applicable Department Head are authorized users of those systems.

Good judgment and common sense can guide an individual to appropriate use of email, internet, and intranet. The following principles should govern an individual's use of the City's email, internet, and intranet system:

- 1) Transmission of any material in violation of any federal or state law or regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.
- 2) Use for commercial activities is not acceptable.
- 3) Material that would be considered inappropriate, offensive, or disrespectful to others should not be transmitted, accessed or stored. The use of vulgarities or any other inappropriate language is not acceptable.
- 4) Employees shall not log on and leave connections to the internet open when not in active use.
- 5) Incidental or occasional use of email, the internet, and intranet systems for personal use may occur, subject to the restrictions contained in this policy and all other City policies. The use shall not directly or indirectly interfere with the City's operation of its email, internet, and intranet systems, nor interfere with the user's employment or other obligations to the City.
- 6) Users of the City's email, internet, and intranet have no right or expectation of privacy in business and/or personal related email messages, in the log of internet or intranet sites visited, or in any associated electronic files on the system. All employees, by their use of the City's email, internet, and intranet systems are thereby consenting to being monitored.

- 7) **Public Record.** As a general rule, electronic messages, like most paper correspondence, will be considered an open public record, subject only to the exemptions set out by Kansas statute. Electronic messages, like paper correspondence are also subject to discovery for legal evidentiary purposes. Utilization of email should take into consideration the possible disclosure of the message being sent.
- 8) Each user should periodically review messages for deletion or archiving. Email messages are subject to the same retention and discovery requirements of paper correspondence. If a message has information that must be retained permanently, the record copyholder must create a paper copy of the message to be filed with other paper documents concerning the same subject.
- 9) Users should report any email messages they receive or that are displayed to them that they believe might reasonably violate this policy.

Anyone found to have violated this policy will be subject to disciplinary action, up to and including termination of employment and criminal prosecution, if appropriate.

- (b) **Social Media and Social Networking.** The City takes no position on an employee's decision to start or maintain a blog or participate in other social media activities while not "on duty". However, it is the right and duty of the City to protect itself from unauthorized disclosure of information.

Social media is defined as "any web-based applications that allow information to be broadcast to an entire network". The network may be "user defined" such as Facebook, or open, like YouTube. Social media differ from e-mail and websites which are addressed by the City's Electronic Mail, Internet and Intranet Use policy (Section 2.4). Examples of social media sites include: LinkedIn, Facebook, Twitter, YouTube and various web logs, or blogs.

Only employees of the City whose job duties require the use of such social media—and others who have received permission from the City Manager or applicable Department Head—are authorized to use those systems while on duty.

Employer Monitoring. City employees have no reasonable expectation of privacy while using the Internet or while using computer or technology equipment, including phones, computers, radios, and text messaging devices for any purpose, including authorized blogging. Your postings can be reviewed by anyone, including the City. The City reserves the right to use content management tools to monitor, review or block content on City blogs that violate City blogging rules and guidelines.

Reporting Violations. The City requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or the HR Department. Violations include, but are not limited to, discussing proprietary information and any unlawful activity related to blogging or social networking.

Employees should remember they are always a representative of the City. Employees who utilize such social media outlets while on their own time or on City time, if applicable, should always exercise good judgment in what they post. Following are principles for the social media posting.

- a) Personal blogs should have clear disclaimers that the view expressed by the author in the blog is the author's alone and does not represent the view(s) of the City. Such disclaimer may read like "the views expressed are mine alone and are not to be interpreted as the view(s) of the City of Paola."
- b) Information published by you should comply with the City's and Department's confidentiality policies.
- c) Be respectful to the City, Mayor, Council, other employees and taxpayers.

- d) Your online presence reflects on the City. Be aware that your actions captured via images, posts, or comments may be considered a direct reflection.
- e) Postings should not include the City logo unless permission is asked for and granted by the City Manager pursuant to City policy.
- f) Employees should neither claim nor imply they are speaking on behalf of the City.
- g) Internet postings must respect copyright, privacy, fair use, financial disclosure, and other applicable laws.
- h) Personal social media activities should not interfere with your work commitments.

The above list is not intended to be inclusive and the absence or lack of explicit principle does not limit the application of this policy.

Personal Blogs. The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. An employee is expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

The City respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers are personally responsible for their commentary on blogs and social networking sites. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the City. Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the City.

Disciplinary Action. Employees found to have violated this policy may be subject to disciplinary action, up to and including termination of employment and criminal prosecution, if appropriate.

If an employee has any questions relating to this policy, the employee's personal blog or social networking, the employee should ask his or her immediate manager or supervisor.

- (c) **City Provided Cell Phones.** The City may provide cell phones to some employees for the convenience of the City. These phones and all of its contents are the property of the City of Paola and subject to the policies detailed in Sections 2.4a and 2.4b.

Section 2.7(f) of the Personnel Manual is hereby amended to read as follows:

2.7 (f) (Deleted - reserved for future use).

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.

*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 should be used by December 1st of said calendar year. Bonus personal leave 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.

(c) **Pay at Termination.** Employees shall receive payment for unused personal leave upon termination as stated in Section 4.13.

Section 6.9 of the Personnel Manual is hereby amended to read as follows:

6.9 Bereavement Leave. Bereavement leave is granted to an employee to attend to personal obligations and to allow an employee to maintain their normal salary. In the case of a death of a member of an employee's immediate family, full-time and part-time employees shall be granted paid bereavement leave not to exceed three (3) consecutive working days. Employees may extend the bereavement leave for an immediate family member by utilizing their vacation, sick, personal, wellness or earned compensation time. If the death is of a person who is not a member of the immediate family, the employee may use the same leave hours as for extended bereavement for immediate family with the approval of the employee's supervisor.

Section 6.16 of the Personnel Manual is hereby amended to read as follows:

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. All requests for shared leave shall be made through the Human Resources Director. The requesting employee must exhaust all types of their own leave before any donated leave may be utilized and any leave time accrued while on the requested leave will be utilized before donated leave is used.

Any donating 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. Vacation leave may be donated without restrictions. All donors' and recipients' names shall be kept confidential.

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.

*With the approval of the City Manager, the Human Resource Director may ask for a preliminary request for donation of share leave on behalf of the employee. If the preliminary share request is granted by the City Manager only actual time utilized by requesting employee will be deducted from donating employee. The order of utilization of donated share leave time will be determined by the HR Director and/or the City Manager.

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 January 1, 2016.

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 24th day of November, 2015.

Artie Stuteville, Mayor

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ATTEST:

Daniel G. Droste, City Clerk