

RESOLUTION 2017-010

A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL MANUAL, EFFECTIVE NOVEMBER 15, 2017

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 5.4 of the Personnel Manual is hereby added and reads as follows:

5.4 Mandatory Attendance. The City has the responsibility to the employees to provide the best training available within budgetary constraints. To accomplish this requirement, the employees may be required to attend mandatory training. Mandatory training will be paid per Section 4.9. Employees who fail to report for mandatory training shall not be granted any type of leave pay to cover said absence without City Manager approval. Employees who fail to attend mandatory training shall be subject to disciplinary action up to and including termination.

Section 6.1 of the Personnel Manual is hereby amended to read as follows:

6.1 Holiday Leave. The following days shall be paid holidays for City employees:

- New Years Day, January 1
- Martin Luther King Day, third Monday in January
- President's Day, third Monday in February
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, first Monday in September
- Veterans Day, November 11
- Thanksgiving, fourth Thursday in November
- Friday following Thanksgiving
- Christmas, December 25

- (a) Shift employees whose regular day off falls on a holiday shall receive 8 hours compensation for the holiday.
- (b) Shift employees and other non-exempt employees who work on the holiday shall receive compensation plus premium pay of one and one-half times their regular compensation for the time actually worked.
- (c) Holidays that occur during an approved leave of absence with pay are not charged as days of leave taken.
- (d) If a holiday falls on a Saturday, it shall be observed the preceding Friday; if it falls on a Sunday, it shall be observed the following Monday.
- (e) If an employee incurs overtime during a holiday work week, the premium pay qualifies as an overtime premium and will be credited toward statutory overtime compensation due.

Section 6.2 of the Personnel Manual is hereby amended to read as follows:

6.2 Vacation.

(a) Full-time employees are entitled to paid vacation leave time according to one of the following schedules:

Full-time employees hired prior to January 1, 1992:

The employee shall be credited with ninety-six (96) hours for each year for up to ten (10) years. Employees with more than ten (10) years of service shall be entitled to eight (8) additional hours for each year of service longer than ten (10) years.

Vacation leave not taken within one (1) year after it is earned shall be cancelled. In the event of extenuating circumstances, the employee or department head may request permission to carry over said vacation leave. All requests shall be in writing and presented to the Human Resources Director. If the requested carry over is more than two (2) weeks, the City Manager must give written approval of said leave carry over.

Full-time employees hired after January 1, 1992:

Years of Continuous Employment:	0 to 5	5 to 10	10 to 15	Over 15
Hours Earned Per Bi-weekly Pay Period:	3.6923	4.6153	5.5384	6.4615
Hours Earned Per Year	95.9998	119.9978	143.9984	167.999

(b) New employees shall be awarded vacation time beginning on the first day of the month following thirty (30) days of employment.

(c) Employees may accumulate vacation leave time up to a maximum of two hundred (200) hours. An employee shall not earn additional vacation leave during any time period that the employee maintains the two hundred (200) hour maximum accumulation.

(d) Employees on any type of unpaid leave for more than three (3) working days in a pay period shall not be eligible for earning of vacation for that pay period.

(e) Vacation schedules are established by the Department Heads. Vacation time shall be reported as prescribed by the Human Resources Director and shall be taken as follows:

Employees who work 8 hour days	Increments of four (4) hours
Employees who work 10 hour days	Increments of five (5) hours

(f) Employees shall receive payment for unused vacation time upon voluntary or involuntary termination of employment.

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

6.3 Sick Leave.

(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

- (b) **Accrual of Sick Leave.** Full-time employees shall earn 3.10 hours of sick leave per bi-weekly pay period. Employees on any type of unpaid leave for more than three (3) working days in a pay period shall not be eligible for earning of sick leave for that pay period.
- (c) **New Employees.** New full-time employees shall be eligible to earn sick leave beginning on the first day of the month following thirty (30) days of employment.
- (d) **Accumulation of Sick Leave.** No employee may accrue more than one thousand four hundred and forty (1,440) hours of sick leave.
- (e) **Recording Use of Sick Leave.** Any absence for a fraction or part of a day, which is chargeable to sick leave, shall be recorded in increments of not less than one hour.
- (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.
- (g) **Doctor's Certificate.** A Department Head may require a signed statement from a health care provider verifying the employee's inability to perform assigned duties because of illness. The Department Head or Supervisor shall notify the employee of said requirement when the illness notification is reported. Employees who have utilized 32 unscheduled or undocumented collective sick hours in the calendar year shall be required to utilize 8 hours of vacation, personal, compensatory time, or a day without pay before sick leave is accessible unless a physician's statement is provided. Unscheduled sick leave is sick leave which has not been approved the prior work day or before. Undocumented sick leave is leave that cannot be verified with a physician or dental certification.
- (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.

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

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. A certification issued by a health care provider is required to substantiate the necessity of requested shared leave. 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.

Section 8.3 of the Personnel Manual is hereby amended to read as follows:

8.3 Absences Without Leave. Any employee absent without leave who fails to return to duty within twenty-four (24) hours after having received notice to do so shall be deemed to have resigned his/her position voluntarily. Any employee absent without leave who cannot be located or contacted within forty-eight (48) hours shall be terminated. In the event that absence is caused by rare or extenuating circumstances, the City Manager may re-instate an employee to the vacated position or similar position if one is open or available and in the best interest of the City.

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 15, 2017.

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 14th day of November, 2017.

Artie Stuterville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk