

**RESOLUTION 2024-004**

**A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL  
MANUAL, EFFECTIVE MAY 14, 2024**

**WHEREAS**, Section 1-307 of the Code of the City of Paola, Kansas provides for the preparation, revision, and amendment of a Personnel Manual; and,

**WHEREAS**, the Human Resources Director along with city staff have done a complete review of the Personnel Manual to include changes and updates to every section.

**WHEREAS**, the City Manager has submitted a proposed and revised Personnel Manual to the Governing Body attached hereto as Exhibit A.

**NOW THEREFORE BE IT RESOLVED** by the governing Body of the City of Paola, Kansas that said Personnel Manual be hereby approved in its entirety and adopted as the official policy of the City of Paola, Kansas effective on May 14, 2024.

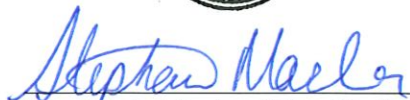
**BE IT FURTHER RESOLVED** that this Amended Personnel Manual is intended to and shall replace all previous versions, and that copies of said manual shall be available in the office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** this 14th day of May, 2024.

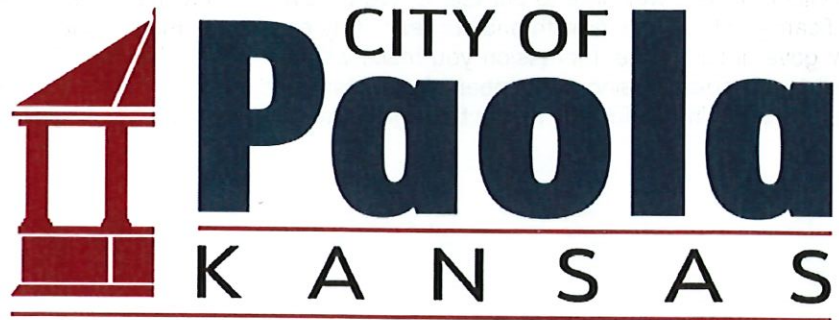
  
\_\_\_\_\_  
Leigh House, Mayor



ATTEST:

  
\_\_\_\_\_  
Stephanie Marler, City Clerk





# **EMPLOYEE HANDBOOK**

**AMENDED EFFECTIVE 5/14/2024**

## **FOREWORD**

On behalf of the City of Paola, welcome to our team! We believe strongly that each employee contributes directly and significantly to the City's growth and success. City employees may be the only contact a citizen has with the City government. The impression you make will be the one that the citizens will remember. We hope you will take pride in being a member of our team and help us achieve our common goal of providing excellent services in an efficient, respectful, and courteous manner to the City of Paola citizens.

## **INDEX**

**INTRODUCTION**

**CHAPTER 1: GENERAL PROVISIONS**

**CHAPTER 2: EMPLOYMENT POLICIES**

**CHAPTER 3: RECRUITMENT, SELECTION, AND EMPLOYMENT**

**CHAPTER 4: CLASSIFICATION AND COMPENSATION**

**CHAPTER 5: ATTENDANCE**

**CHAPTER 6: LEAVE**

**CHAPTER 7: EMPLOYEE CONDUCT AND DISCIPLINE**

**CHAPTER 8: SEPARATIONS**

**CHAPTER 9: INSURANCE AND BENEFITS**

**CHAPTER 10: RETIREMENT BENEFITS**

**CHAPTER 11: WORKPLACE INJURY / ACCIDENT REPORTING**

**CHAPTER 12: WORKPLACE VIOLENCE AND WEAPONS**

**CHAPTER 13: DRUG FREE WORKPLACE POLICY**

**CHAPTER 14: EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**CHAPTER 15: DISPUTE RESOLUTION**

**APPENDIX I: DEFINITIONS**

**APPENDIX II: DRUG AND ALCOHOL POLICY**

**DRUG AND ALCOHOL TESTING PROGRAM PERSONNEL AND SERVICES**

**APPLICANT DRUG TESTING CONSENT AGREEMENT**

**REASONABLE SUSPICION REPORT FORM**

**MANDATORY REFERRAL AND RELEASE OF INFORMATION**

**DRIVER PROGRAM PARTICIPATION VERIFICATION AND RELEASE FORM**

**DISCLOSURE FOR PROTECTED HEALTH INFORMATION**

**EMPLOYEE ACKNOWLEDGEMENT OF DRUG FREE WORKPLACE POLICY**

**EMPLOYEE ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK**

## **INTRODUCTION**

The purpose of this Handbook is to provide City employees with an overview of the City of Paola's policies, goals, rules, and employment practices that apply to all employees. Please read it thoroughly and retain it for future reference. If you have any questions regarding the information contained in this handbook, please discuss those with your supervisor, Department Head, Human Resources Director, or the City Manager.

These policies are presented for informational and guidance purposes only. All employees who do not have individual, written contracts for specific, fixed terms are employees at-will. "At-will" means that you or the City may terminate the employment relationship at any time, with or without cause or reason and with or without advance notice. This City's policies are not intended to constitute a contract of employment, either express or implied, between you and the City. Accordingly, this handbook shall not and should not be interpreted or construed as an employment contract between you and the City.

This handbook applies to all City employees and supersedes and replaces any prior City handbooks and/or memoranda that were issued on subjects covered in this handbook. The City reserves the right, in its sole discretion, to alter, amend, delete, supplement and/or change, at any time and without advance notice, any of its policies, including those covered in this handbook. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary. The City shall notify you of any revisions to this handbook and/or its policies. Amended, superseded, or deleted policies shall not be relied upon.

Some of the subjects described herein, such as the Group Insurance Plans, are covered in detail in official policy documents. You should refer to these documents for specific information, since this handbook only briefly summarizes those benefits.

## CHAPTER 1

## GENERAL PROVISIONS

### 1.1 Rules Established.

A. 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 (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.
- (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 (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.
- (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.

B. 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.

**1.2 Administrative Responsibility.** These rules and regulations shall apply to all employees in the service of the City except elected officials. The Human Resources Director, under the direction of the City Manager, shall administer the policies and procedures.

**1.3 Departmental Responsibility.** The head of any City department may formulate in writing reasonable regulations for the conduct of the department, such as those relating to safety or operational procedures, which shall be available to all department employees. Such department regulations shall not be in violation of, or in conflict with, any personnel regulations in this handbook.

**1.4 Availability of Regulations.** Copies of these regulations shall be maintained in the office of the City Clerk and provided to each employee. Copies of the regulations are property of the City. It shall be the responsibility of each employee to be aware of the terms of these personnel regulations and to keep any personal copy of regulations current when revisions are received.

**1.5 Personnel Records.** The Human Resources Director shall keep adequate records of all persons employed; their pay scale; time worked; accrued vacation and sick leave; all absences for vacation, sick, or other leave; accrued overtime; and all other records directed to be made and maintained under these rules and regulations or under applicable state or federal law. An employee's personnel file shall be available during office hours at City Hall for inspection by that employee.

**1.6 Amendment of Rules.** These rules may be amended at any time as deemed necessary by the City Council. All amendments shall be adopted by the City Council in resolution form and distributed to employees.



## CHAPTER 2

## EMPLOYMENT POLICIES

**2.1 Equal Opportunity Policy.** In accordance with equal employment opportunity laws, executive orders, and/ or rules and regulations at the local, state, and federal levels, it is the policy of the City to provide equal employment opportunity to all. The City policy prohibits discrimination because of race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law. The City's policy applies, but is not limited to: hiring, placement, promotion, demotion, termination, layoff, recall, transfer, leave of absence, compensation, training, and all other terms and conditions of employment. Failure of any employee to cooperate or perform in a manner consistent with this policy will constitute grounds for disciplinary action, up to and including termination.

**2.2 Tobacco/Nicotine 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 and nicotine 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). This policy also includes smokeless tobacco products.

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. Tobacco/nicotine usage is allowed in outdoor areas beyond a 25 foot radius outside any doorway, open window or air intake into any City owned building or facility. All tobacco use is prohibited in all City owned or leased vehicles.

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

**2.3 Drug-Free Workplace.** It is the policy of the City to create a drug-free workplace in keeping with the spirit and intent of the Drug Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees; subjects all employees, citizens, and visitors to the City to unacceptable safety risks; and undermines the City's ability to operate efficiently and effectively. The unlawful manufacturing, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in City business, on or off City premises, is strictly prohibited.

Employees shall be subject to provisions of Chapter 13: Drug and Alcohol Testing Policy. Employees in **Safety Sensitive Positions** are subject to provisions of Chapter 14: Employee Assistance Program.

**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:

- (a) 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.
- (b) Use for commercial activities is not acceptable.
- (c) 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.
- (d) Employees shall not log on and leave connections to the internet open when not in active use.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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 You Tube. 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, You Tube 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) Rudeness or unprofessional behavior toward a citizen or anyone in contact with the organization is unacceptable.
- 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.

**2.5 Non-fraternization.** The City is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with the ability of the City to provide equal employment opportunities for its employees, and in some instances, may constitute sexual harassment or other unlawful discrimination. To minimize conflicts of interest which often occur as a result of intimate relationships, the City prohibits its employees from entering into intimate relationships with other employees for whom they have professional supervisory responsibility. Employees who enter into an intimate relationship with another employee, or who become aware of an intimate relationship where professional supervisory responsibility exists, should report it immediately to the Human Resources Department so that appropriate steps may be taken consistent with this and other the City Policies.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a professional supervisory relationship or in positions where one individual may affect the terms or conditions of employment of the other employee. When such a situation arises, the City will attempt to identify other available positions, and the affected employees will have 10 business days to decide which individual will remain in his/her current position. If no alternate position is available, the employees will have 30 additional calendar days to decide which employee will remain employed with the City. If this decision is not made in the time allowed, the City will make the decision and the departing employee's employment will terminate no later than 30 days after the decision, at the discretion of the City and in accordance with the law.

In other cases where a conflict or the potential for conflict arises between two employees, and even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment or terminated from employment, at the discretion of the City and in accordance with the law.

In the event an employee is subjected to unwanted advances or sexually harassing behavior, such employee shall follow the City's Policy Prohibiting Harassment in reporting the incident.

Violations of this Policy may subject employees to disciplinary action, up to and including termination of employment.

## 2.6 Policy Prohibiting Discrimination, Harassment and Retaliation.

- (a) **General Policy.** It is the policy of the City to maintain a work environment free of intimidation, insult, discrimination and harassment based upon race, color, gender, disability, religion, age (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding or any other characteristic protected by Federal, State, or local law. Discrimination, harassment or retaliation of any kind will not be tolerated. Employees have the obligation to report all incidents of such conduct, and those reports will be promptly and thoroughly investigated. The City also does not tolerate retaliation against those who report discrimination or harassment in good faith or those who cooperate with discrimination or harassment investigations. Any employee who has engaged in discriminatory, harassing or retaliatory conduct will be subject to immediate discipline, up to and including termination.
- (b) **Harassment Defined.** Harassment is verbal, written, or physical conduct which degrades or displays hostility or hatred toward others based on their race, color, gender, disability, religion, age (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding, or any other characteristic protected by Federal, State, or local law and which creates an intimidating, hostile, or offensive working environment; unreasonably interferes with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.
- (c) **Examples of Harassment.** Generally speaking, harassing conduct includes, but is not limited to, the following acts or conduct when those acts or conduct relate to race, color, gender, disability, religion, age (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding, or any other characteristic protected by Federal, State, or local law:
1. Epithets;
  2. Slurs;
  3. Stereotyping;
  4. Threats; and
  5. Written or graphic material that degrade or display hostility or hatred toward an individual or group when such material is distributed or circulated in the workplace or placed on walls, on bulletin boards, or elsewhere on the premises of the City.
- (d) **Sexual Harassment Defined.** Sexual harassment is defined as the threat or insinuation by one employee or group of employees, either explicitly or implied, that his/her refusal to submit to sexual advances will adversely affect his/her employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development (quid pro quo); or the subjecting of an employee(s), by another employee(s), to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile or offensive working environment.
- (e) **Examples of Sexual Harassment.** No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment as defined includes, but is not limited, to:

1. Unwelcome or unnecessary sexual touching, propositions, and/or advances;
2. Unwelcome sexual flirtations;
3. Abusive and/or vulgar language of a sexual nature;
4. Graphic or vulgar commentaries about an employee's body or clothing;
5. Displays of sexually graphic or suggestive pictures, photographs, cartoons, etc.
6. Sexually degrading words used to describe a person;
7. Displays in the workplace or on City premises of sexually suggestive materials, including objects or pictures;
8. Physical assault or battery;
9. Verbal harassment or abuse;
10. Accusations of sexual preference;
11. Demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status;
12. Conditioning any term or benefit of employment upon sexual favors;
13. Sexual slurs or innuendoes;
14. Suggestive or insulting sounds;
15. Touching, leering, whistling or obscene gestures;
16. Displaying derogatory or offensive posters, cartoons or drawings; and
17. Any other conduct that unreasonably interferes with an employee's performance of his or her job, creates an intimidating, hostile or offensive working environment, or otherwise adversely affects an individual's employment opportunities.

(f) **Discrimination, Harassment and Retaliation Complaint Procedure.** Any employee who feels he/she is being subjected to discrimination, harassment or retaliation should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor;
2. The employee's Department Head;
3. Other Supervisory Personnel;
4. The Human Resources Director; or
5. The City Manager.

Employees shall not make a complaint to the person who is the alleged harasser or person committing the retaliation. Instead, the complaint should be made to one of the other listed persons.

The employee should be prepared to provide the following information:

1. Employee's name, department, and position title;
2. The name of the person(s) committing the discrimination or harassment;
3. The date(s) and approximate times(s) of the discrimination or harassment;
4. The specific nature of the discrimination or harassment, the duration of the harassment, and any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against him/her as a result of the harassment;
5. The name of any witness to the discrimination or harassment; and
6. Whether he/she has previously reported such discrimination or harassment and if so, when and to whom.

After receiving a complaint, the recipient of the complaint shall assist the employee filing the complaint with documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

- (g) **Discrimination, Harassment or Retaliation Investigations.** Anyone who receives a complaint of discrimination, harassment or retaliation shall immediately report the complaint directly to the Human Resource Director. The Human Resource Director is the officer designated to investigate reports of complaints based on race, gender, religion, color, national origin, age, ancestry, disability, or any other characteristic protected by Federal, State, or local law. Once a complaint is received, the Human Resource Director shall inform the City Manager of the complaint and shall immediately conduct a thorough investigation regarding any complaint. If the Human Resource Director is named as a witness or alleged to have engaged in the wrongful conduct, the City Manager's designee shall conduct the investigation. At the discretion of the City Manager, a neutral third-party may be secured to investigate any complaint of discrimination, harassment or retaliation. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City, Federal or State officers, agency, or departments, or any officer, agency, or department of a unit of general local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employees; as otherwise required by law.

An investigation will be conducted consistent with the City's investigation procedures. The City shall complete an investigation as soon as practicable upon receipt of any complaint of discrimination, harassment or retaliation.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including discharge from employment.

The investigation findings, along with any recommendations, shall be submitted by the investigator to the City Manager. The City Manager shall take disciplinary or remedial action as appropriate. The City Manager shall notify the complainant and any other parties of the investigative findings as appropriate.

If the City Manager determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, the City Manager shall take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

- (h) In the event that the City Manager is named as a witness or alleged to have engaged in the wrongful conduct. The complaint should be made directly to the Human Resource Director. After receiving a complaint, the HR Director shall assist the employee in preparing the complaint with documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

The Human Resource Director shall inform the City Attorney. In the absence of the Human Resource Director the City Clerk will serve as the City's designee to the City Attorney. The City Attorney will inform the City Council and the City Council will then proceed with an investigation as directed by either internal or external legal counsel.

- (i) **Records of Complaints.** All records, except those affected by the Kansas Open Records Act, concerning a complaint shall be confidential and kept in a separate locked file. Access shall be

granted only to parties who have a direct and relevant need-to-know and only with the City Manager's approval.

**2.7 Taxable Fringe Benefits.** It shall be the policy of the City to comply with IRS regulations regarding the taxability of fringe benefits for all employees. When applicable, taxable fringe benefits will be paid through the payroll system or the appropriate amount of tax withheld through the payroll system. The following items may be subject to special taxation rules:

- (a) **Uniforms.** The City will provide uniforms for the Police Department, Fire Department, and Public Works Department employees as a condition of employment. These uniforms are not intended to be worn or be adaptable to general usage as ordinary clothing. The uniforms are specifically required as a condition of employment, they help to readily identify personnel as a city employee, and help them to perform their duties in a safer environment. The value of these uniforms are excludable as taxable compensation to these employees.
- (b) **Non-Uniform Clothing.** The City may provide non-uniform clothing, such as t-shirts, sweatshirts, and outerwear, to some employees to wear while working. These articles of clothing will clearly display the name and/or logo of the City and are not intended to be worn or be adaptable to general usage as ordinary clothing. This non-uniform clothing is specifically required as a condition of employment, helps to readily identify personnel as a city employee, and help them to perform their duties in a safer environment. This non-uniform clothing is excludable as taxable compensation to these employees.
- (c) **Other Clothing and Cash Clothing Allowances:** The City may provide other clothing or cash clothing allowances to some employees. This other clothing may be of a nature that it is impractical to display the name and/or logo of the City (such as footwear). Reimbursements for this type of clothing and cash clothing allowances are considered taxable compensation and will be paid through the payroll system.
- (d) **Overnight Travel Expenses:** Any employee who travels overnight on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has a per diem policy for meals associated with overnight travel. Per diem rates are based upon the government approved per diem rate for the city to which you are traveling. The per diem applies to all full travel days associated with an approved overnight stay. Meals provided through seminar or meeting registrations will be deducted from per diem daily allowance. Any meal expenditures over the per diem rate will not be reimbursed by the City. Any restaurant tipping is included in the per diem rate and will not be reimbursed by the City.

The City has an accountable reimbursement policy for all other associated overnight travel expenses. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, lodging and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed receipt will not be reimbursed and credit card expenses not documented with a detailed receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

**Same Day Travel Expense:** Any employee who travels on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has an accountable reimbursement policy for same day travel. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, meals and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed receipt will not be reimbursed and credit card expenses not documented with a detailed



receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

- (e) **Meals:** Meals reimbursed by the City to employees where overnight travel is not required is considered taxable compensation and will be paid through the payroll system. Certain other meals such as those provided at City facilities that are furnished for the convenience of the City (such as Safety Committee lunches), meals that are provided under special circumstances (such as meals provided to snow plow crew after working long hours), and other de minimus meals are excludable as taxable compensation to these employees.
- (f) (Deleted - reserved for future use).
- (g) **Mileage Reimbursement for Personal Vehicles:** Whenever a personal vehicle is used by an employee for City business travel, the employee may request reimbursement using the Travel Request Form. Mileage will be reimbursed at the IRS approved rate and this reimbursement is excludable as taxable compensation to these employees.
- (h) **Cash Vehicle Allowances:** Some employees for the City are paid a cash vehicle allowance in lieu of being provided a City owned vehicle for use during the workday. A cash vehicle allowance is considered taxable compensation and will be paid through the payroll system.
- (i) **City Provided Vehicles:** Vehicles owned by the City are provided to employees for the convenience of the City and allow the employees to perform their duties in a safer environment. Personal use of City owned vehicles is not permitted (including commuting from home to work) unless approved, in advance, by the City Manager or designee. Any personal use of City owned vehicles is considered taxable compensation and will be reported through the payroll system. The City will determine the rule that will be used to value this benefit based on the IRS Regulations in effect for such personal use. Emergency vehicles are exempt from this requirement.
- (j) **Gift Certificates:** Gift Certificates that are provided to employees for recognition or as prizes which can be redeemed or considered to be cash or cash equivalent, will be considered taxable compensation to the employee and will be reported through the payroll system.
- (k) **Commercial Drivers License:** The City requires some employees to obtain a commercial drivers license (CDL) as a condition of employment. The cost of obtaining a CDL may be reimbursed to the employee upon request. This reimbursement is excludable as taxable compensation to these employees.
- (l) **Housing:** The City requires some employees to reside in City owned residences to perform job duties that are required as a condition of employment. The housing is provided at the convenience of the City and employees that occupy these residences pay a monthly rent to help offset the expenses associated with the housing. The value of the housing in excess of the rent paid is excludable as taxable compensation to these employees.

Any questions regarding the nature or extent to which these benefits are paid should be directed to the Human Resources Department.

**2.8 Travel Reimbursement and Approval.** The City will reimburse travel expenses pursuant to Section 2.7(d) as follows:

(a) **Expenses Reimbursed.**

1. The City will reimburse employees mileage expense at the current IRS rate for all privately owned vehicles used by City staff for official City business.
2. There will be no overnight stay reimbursement for lodging within a 60-mile radius of Paola while traveling on City related business, unless approved by the City Manager.
3. All toll and parking fees will be reimbursed, provided proper receipts are submitted.
4. Restaurant tipping will be at the discretion of the individual not to exceed 20%.
5. There will be no reimbursement of direct expenses relating to liquor, wine, and/or cereal malt beverages.
6. Reimbursement for hotel/motel personal expenses such as in-room movies, laundry services, etc. will not be allowed.
7. Detailed receipts shall accompany meals, lodging and other typical travel expenses including gratuities. If taxi or public transportation services are used, every effort shall be made to obtain receipts.
8. When possible Kansas Sales Tax should not be paid for meals, rooms etc. for any General Fund trip.

(b) **Approval.** All out-of-town travel requests for City employees must be approved in advance by the City Manager. All disputes concerning the proper interpretation of this policy shall be resolved by the City Manager whose decision shall be final and conclusive.

**2.9 Workplace Bullying Policy**

(a) **General Policy.** The purpose of this policy is to communicate to all employees, including supervisors, department heads that the City of Paola will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

(b) **Bullying Defined.** The City of Paola defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes, but is not limited to:

1. Threatening, humiliating or intimidating behaviors.
2. Work interference/sabotage that prevents work from getting done.
3. Verbal abuse

Such behavior violates the general policy for employee conduct which clearly states that all employees will behave in a professional and ethical manner at all times.

(c) **Examples of Bullying.** The City considers the following types of behaviors examples of bullying. This list is not intended to be a complete list of misconduct that may result in

immediate termination or other disciplinary action; these are merely some examples of unacceptable conduct:

1. Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
3. Gesture bullying. Nonverbal gestures that can convey threatening messages.
4. Exclusion. Socially or physically excluding or disregarding a person in a work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace.

1. Using obscene or intimidating gestures.
2. Not allowing the person to speak or express themselves (i.e. ignoring or interrupting).
3. Personal insults and use of offensive nicknames.
4. Public humiliation in any form
5. Public reprimands.
6. Repeatedly accusing someone of errors that cannot be documented.
7. Deliberately interfering with mail and other communications.
8. Spreading rumors and gossip regarding individuals.
9. Encouraging others to disregard a supervisor's instructions.
10. Manipulating the ability of someone to do his or her work (i.e. overloading, under loading, withholding information, setting deadlines that cannot be met, giving deliberating ambiguous instructions).
11. Taking credit for another person's ideas.
12. Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
13. Unwanted physical contact, physical abuse or threats of abuse to an individual or individual's property (defacing or marking up property)

(d) **Bullying Complaint Procedure.** Any employee who feels he/she is being subjected to bullying should immediately contact one of the persons listed below with whom the employee feel the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate Supervisor.
2. The employee's Department Head.

3. Other Supervisory Personnel.
4. The Human Resource Director.
5. The City Manager.

Employees shall not make a complaint to the person who is the alleged bully or persons who are alleged to be involved in the bullying. Instead the complaint should be made to the other listed persons.

The recipient of the complaint shall immediately report the complaint directly to the Human Resources Director. Once a complaint is received, the Human Resources Director shall inform the City Manager of the complaint and shall immediately conduct a thorough investigation regarding any complaint. In such an event, the Human Resources Director shall inform the City Council. If the Human Resources Director is named as a witness or alleged to have engaged in the wrongful conduct, the City Manager's designee shall conduct the investigation. At the discretion of the City Manager, a neutral third-party may be secured to investigate any complaint of bullying. If third-party investigators are used, disclosure of any investigation report and its content will be restricted to the City.

An investigation will be conducted consistent with the City's investigation procedures. The City shall complete an investigation as soon as practicable upon receipt of any complaint of bullying.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including discharged from employment.

The investigation findings, along with any recommendations, shall be submitted by the investigator to the City Manager. The City Manager shall take disciplinary or remedial action as appropriate. The City Manager shall notify the complainant and any other parties of the investigative findings as appropriate.

If the City Manager determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, the City Manager shall take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

In the event that the City Manager is named as a witness or alleged to have engaged in the wrongful conduct. The complaint should be made directly to the Human Resource Director. After receiving a complaint, the HR Director shall assist the employee in preparing the complaint with documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

The Human Resource Director shall inform the City Attorney. In the absence of the Human Resource Director the City Clerk will serve as the City's designee to the City Attorney. The City Attorney will inform the City Council and the City Council will then proceed with an investigation as directed by either internal or external legal counsel.

## CHAPTER 3

## RECRUITMENT, SELECTION, AND EMPLOYMENT

**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.

**3.2 Orientation and Training.** Each employee will receive orientation training including, but not limited to, the duties of the position, hours of work, relationship to other employees, safety precautions, and other information about the unit and department. When possible, orientation training will be provided on or before the first day of employment.

**3.3 Personnel Files.** It is the responsibility of the employee to report changes of address, telephone number, name, and other relevant information to their respective Department Heads and the Human Resources Director.

All requests for recommendations or information concerning employees shall be handled through the Human Resources office. Absent a full release form, signed by the employee, the only information the Human Resources office will provide is date of hire, position held, salary, and date of termination.

**3.4 Application and Qualification for Employment.** It is the policy of the City to provide fair and equal opportunity to all qualified persons to enter City employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to race, color, gender, disability, religion, age (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding, or any other characteristic protected by Federal, State, or local law.

Any person seeking employment with the City may apply directly to the Human Resource office for employment consideration.

All new applicants for any position with the City shall meet the minimum qualifications established for that position. Each applicant shall complete a job application form. The applicant shall also take a medical examination and other tests, including drug testing for certain positions. Subsequent to hiring, each employee may be periodically required by the City Manager to successfully pass a physical examination and other tests deemed necessary to exhibit continued qualification for the position. The City shall bear the costs of all required tests.

All appointments for employment with the City shall be subject to approval by the City Manager.

**3.5 Commercial Driver's License.** The City requires some employees to obtain a CDL as a condition of employment. An employee applying for such a positional shall be required to prove that he/she has a valid driver's license and a good driving record. It is the employee's responsibility to maintain a current and valid license during employment with the City. Proof of license renewal may be necessary, and the employee is required to provide such if it is requested. It is the responsibility of the employee to

immediately report any changes in the status of such license to his/her supervisor and/or Department Head.

**3.6 Initial Training Period.** Each employee, including full-time, part-time, seasonal, and temporary employees, shall satisfactorily complete a minimum six-month training period before being granted regular status. Such initial training period may, upon the approval of the City Manager, be terminated before its completion.

At the close of the initial training period, the Department Head or City Manager shall make a determination regarding continued employment and pay. At the discretion of the Department Head or City Manager, the employee's initial training period may be extended.

No initial training period shall be deemed completed until the Department Head and City Manager approve a satisfactory performance evaluation.

**3.7 Internal Promotions and Transfers.** It is the policy of the City to fill all vacancies with the most qualified applicant. All employees seeking promotion or transfer shall be expected to meet all of the requirements of the position, including medical examinations, drug tests for certain positions, and other tests deemed necessary by the City Manager. Any offer of promotion or transfer will be contingent upon the applicant passing all required tests.

Employees promoted within the City's service shall be evaluated at the end of their first six (6) months in the promoted position. A promoted employee may receive a pay increase at the time of the promotion and/or may receive a pay increase upon the satisfactory completion of the period. During that time, the Department Head may cancel the promotion and assign the employee to their former position or a similar position if available.

**3.8 Citizenship Verification.** All employees initially hired after November 7, 1986, for any position with the City shall complete an employment eligibility verification statement in compliance with the Federal Immigration Reform and Control Act of 1986.

**3.9 Employment of Relatives.** No one shall be employed in a department where the supervisor or Department Head is a relative (as defined in this manual) or member of their household. This same policy shall apply to any individuals who become relatives or household members during their employment with the City. One may, however, be employed in a different unit of the same department or in a different department than their relative or household member. This policy will be enforced pursuant to K.A.R. § 21-32-4.

**3.10 Outside Employment.** Full-time employees shall not hold other positions of paid employment or accept pay for services without the prior written approval of their respective Department Heads and the City Manager. The City may cancel such approval at any time. Outside employment constitutes a City employee holding a second job with another employer. Outside employment by a full-time employee is permitted only when such employment:

- a) is considered secondary to service with the City;
- b) does not interfere with the performance of duties for the City; and
- c) does not result in a legal, financial, or ethical conflict of interest.
- d) employees who have accepted outside employment may not use paid sick time to work in the outside job.

Employees shall not engage in private business activities during their working hours and shall not use City property or facilities for such activities.

**3.11 Residency Requirement.** Employees may reside outside the City except where residency within the City is required by state law or by an employment agreement. Departments may require a response time residency in order to provide efficient and timely services to citizens.

**3.12 Political Activity.** It is the duty and right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic organizations, civic betterment groups, and to become involved in political activities subject to the restrictions of this section.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office incompatible with the employees' City employment.
- (b) Any employee desiring to become a candidate for City elected office shall first take a leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he/she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.
- (c) Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons, or signs on their person or on City property during on-duty hours.
- (d) No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise compel or attempt to compel any employee to support a candidate for elective office or to engage in any political activity.
- (e) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retain, the City's service on the basis of their political affiliations or activities.

**3.13 No Right to Strike.** Because the public health, safety, and welfare may be adversely affected thereby, no City employees shall have the right to engage in or encourage any form of sit-down, slow-down, work stoppage, or strike, for any reason against the City. A refusal by an employee to perform an assignment injurious to his health or physical safety shall not be considered a violation of this section.

## CHAPTER 4

## CLASSIFICATION AND COMPENSATION

**4.1 Classified Positions.** All City employees are either classified or unclassified employees. Classified employee positions shall be full-time, shall have a job description and shall be paid pursuant to the City of Paola's Position Classification Pay Plan ("Pay Plan"). Classified employees may be exempt or non-exempt, as designated by the City.

**4.2 Unclassified Positions.** Employees working part-time or for only part of a pay period on a temporary or seasonal basis shall be unclassified positions. Elected employees shall be unclassified positions. All other unclassified positions shall be designated by the City Manager. Unclassified positions are not governed by the Pay Plan. However, the City may establish the hourly wage for part-time and temporary employees consistent with the wage range for a like or similar Classified Employee Position. The City Council shall establish budgeted salaries for all elected officials by ordinance. The salary for the City Manager shall be established by employment agreement with the City Council.

**4.3 Position Classification Pay Plan & Pay Grades.** The Pay Plan shall establish position descriptions and allocate pay grades to the various positions relative to the requirements as set out in the position descriptions. The City's Pay Plan and pay grades apply only to classified employees. The City Council shall adopt the budget and Human Resources will update the Pay Plan, with City Manager approval, as necessary and within budgetary constraints. The Pay Plan and pay grades may be obtained from the Human Resources Department.

**4.4 Job Descriptions.** Each classified position shall have a concise descriptive title, a description of the duties and responsibilities, and a statement of the qualifications for filling such position. Unclassified positions may have a job description as established by Human Resources. Job descriptions shall be approved by the City Manager, shall be kept on file in the Human Resources Department, and shall be open to inspection by any interested party during regular office hours.

### **4.5 Performance Evaluations.**

- (a) **General.** It is the City of Paola's desire to fairly assess the performance of all employees and provide merit based salary increases within budgetary constraints. All merit increases shall be given at the discretion of the City subject to an annual appropriation by the City Council and the current financial condition of the City. Merit increases may be suspended or terminated at any time at the discretion of the City.
- (b) **Performance Evaluations.** New employees will be formally evaluated following six months of full-time employment and on the employee's employment anniversary date each year annually thereafter. Employees may be evaluated at any time for exceptional reasons or for unsatisfactory performance.
- (c) **Merit Increases.** Merit or performance pay increases shall be given in the form of an increase in an employee's wage within the Wage Range as established by the Pay Plan. Merit or performance pay increases, if given, shall accompany the completed performance evaluation and submitted to the City Manager along with a completed Personnel Status Form. Merit increases shall become effective at the beginning of the pay period of the employee's performance evaluation and approval of any pay increase by the City Manager.

**4.6 Dates of Pay.** Employees shall be paid bi-weekly. When a payday falls on a holiday, every possible effort will be made to have the paychecks ready for release to the departments by 5:00 PM on the preceding business day.

**4.7 Payroll Deductions.** In addition to applicable federal, state and local income taxes, the City shall deduct for premiums or contributions to insurance, retirement, or other authorized deductions from the employee's paycheck. The City must also deduct for contributions to KPERS (Kansas Public Employees



Retirement System) pursuant to state law (K.S.A. 74-4901). The City is required to recognize certain court orders, liens, garnishments and wage assignments and may deduct pursuant to those orders and mandates.

The City prohibits improper deductions. If an employee has a question about any deduction from his or her paycheck, the employee should contact the Human Resource Director immediately. Complaints related to possible improper deductions shall be made in writing to The Human Resources Director or the City Manager.

**4.8 Exempt Employees.** Some City employees are exempt from overtime pay and minimum wage provisions. Employees employed in administrative, executive, or professional positions (AEPP), as defined by the Federal Fair Labor Standards Act, are exempt and shall not be eligible for overtime compensation. The Human Resource Department shall maintain a list of the names of employees exempt from overtime compensation.

In recognition of the time exempt employees spend outside of normal working hours to fulfill their job requirements, thirty-two (32) hours of AEPP Leave time will be granted to each exempt employee during the first payroll of each year. This AEPP Leave time may not be "cashed in" and may not be carried over from one year to the next. Employees who enter into an exempt position during the calendar year will be granted pro-rated AEPP Leave time.

**4.9 Overtime and Compensatory Time.** This overtime and compensatory time policy does not apply to exempt employees as defined in Section 4.8. Employees may be asked to work overtime by their respective supervisors. Overtime must be approved and authorized by the employee's supervisor prior to performance of the work. Failure to obtain approval can result in disciplinary action.

Overtime compensation shall be paid to all seven (7) day general employees who work more than forty (40) hours in a work period. Compensation for overtime work shall be at the rate of one and one-half times the employee's regular pay.

When calculating overtime, the employee's regular hourly rate will not include: (1) payments made for periods when no work is performed such as Stand-By Status, vacation, illness, insufficient work, compensatory time or other cause; (2) reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the City's interests and reimbursable by the City; and (3) other similar payments to an employee which are not made as compensation for his hours of employment. Overtime on Holidays will be paid pursuant to Section 6.1.

At the discretion of the respective Department Heads and the City Manager, employees who qualify for overtime pay may be given compensatory time off in lieu of cash payments for the overtime worked. Compensatory time will be calculated by multiplying the hours of overtime worked by one and one-half. An agreement or understanding between the City and the employee to use compensatory time off in lieu of overtime pay will be presumed to exist with respect to any employee who fails to express to the City an unwillingness to accept compensatory time off in lieu of overtime pay.

Employees will be urged to take compensatory time off at the earliest time convenient to both the employee and the City. The City will have the option of paying wages in the amount equal to the compensatory time accrued or of continuing to carry forward the compensatory time. No employee shall be allowed to accrue more than sixty (60) hours of compensatory time, representing forty (40) hours of actual overtime worked. Compensatory time may not be "cashed in" except accrued compensatory time will be paid to the employee or heirs, whichever the case may be, upon the employee's separation from employment with the City, at the final regular rate earned by the employee.

**4.9 a. Donated Time.** The City recognizes that there are and will continue to be times that for one reason or another non-exempt employees will wish to donate time worked. The City is appreciative but to

do so is against City policy and federal law. This is considered falsifying time and may result in disciplinary action up to and including termination.

**4.10 a. Public Works on-Call Status.** This on call status policy does not apply to exempt employees as defined in Section 4.8. Employees will be assigned a city owned phone and scheduled to answer and respond to all departmental phone calls. If a phone call requires a physical site visit, it is the responsibility of the on-call employee to visit site and evaluate the situation. If necessary, the on-call employee will contact appropriate supervisor and/or department head regarding the situation. Employees are not required to remain at home while serving as on-call status. However, the on-call employee must remain within a reasonable response time. Employees are not required to restrict their activities but must remain free of the influence of alcohol and/or drugs that would adversely affect their job.

If an employee is scheduled for on-call status, the employee shall be compensated with four (4) hours of compensatory time for each week of on-call status served. The on-call employee will be compensated under the 4.10 b. Call-Back Time Policy upon arrival to physical site or city building.

**4.10 b. Call-Back Time.** This call-back time policy does not apply to exempt employees as defined in Section 4.8. If an employee has left their place of work and is called back for duty, the employee shall be paid for a minimum of two (2) hours. Said two hours shall be included in calculating overtime.

**4.10 c. Emergency Mandatory Call-Back Time.** This emergency mandatory call-back time policy does not apply to exempt employees as defined in Section 4.8. Employees who are mandated to return to work that is outside of scheduled working hours shall be paid at a rate of one and on-half times the employee's regular rate of pay regardless of other time worked. Emergency mandatory call-back time is to be authorized by the Department Head and City Manager.

**4.11 a. Stand-By Status.** This stand-by status policy does not apply to exempt employees as defined in Section 4.8. Employees may be placed on stand-by status for unusual situations, a special event week, or circumstances where a need for potential extra workforce may be required. An employee on Stand-By-Status must be directly contactable by telephone and/or email. Employees are not required to restrict their activities but must remain free of the influence of alcohol or drugs that would adversely affect their job duties. Employees must remain within a reasonable response time depending on the urgency of the call for service. If an employee is scheduled for stand-by status, the employee shall be compensated with two (2) hours of compensatory time for each day of stand-by status served. Stand-by status must be approved by Department Head and City Manager.

**4.11 b. Detective Mobile Phone On-Call Status.** This on call status policy does not apply to exempt employees as defined in Section 4.8. Employees may be assigned a City owned phone and scheduled to respond to essential phone calls regarding departmental policies, questions or guidance. Employees must be directly contactable by telephone and/or email. Employees are not required to restrict their activities but must remain free of the influence of alcohol or drugs that would adversely affect their job duties. Employees must remain within a reasonable response time depending on the urgency of the call for service. Detectives assigned mobile phone duties shall be compensated four (4) hours for each week of mobile phone on call status served. If the phone call(s) requires a return to duty or exceeds more than four (4) hours collectively, the employee will receive compensation at the employee's regular rate of pay. This time shall be included in calculating overtime.

**4.12 Travel Time.** Commute time between the employee's home and work place in the course of the employee's normal work shift shall not be included as time worked.

Two rules apply to out of town travel, depending on whether the assignment requires an overnight stay. If an employee is given a one day assignment in another city, which does not require an overnight stay, all of the time spent traveling between cities is counted as "hours worked." However, travel time between

the employee's home and an airport or train station, during the employee's departure or return, is considered the equivalent of travel between home and work, and is not counted as "hours worked."

If the employee is on an out of town assignment which requires an overnight stay, travel time is counted as "hours worked" only to the extent that it coincides with the employee's regular workday. Travel that occurs during hours of the day in which the employee normally works is counted as work time, even if it falls on a day that is normally a non-working day for the employee (for example, a Saturday or Sunday). If, on the other hand, the travel occurs during hours that are outside the employee's regular workday, it is not counted as "hours worked."

**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 unless other arrangements are requested and agreed to by both the City and exiting employee.

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 their sick leave at the time of the lay-off, seventy-five (75) percent of the sick leave balance will be reinstated.

Employees released during their initial training period without specific cause shall receive payment for unused vacation time, compensatory time, and twenty-five (25) percent of their accrued sick leave.

**4.14 Christmas and Special Occasion Bonuses.** The City may, solely in its discretion, distribute to City employees gifts or payments in the nature of gifts at Christmas time or on other special occasions, as a reward for service. The City Council shall determine, in its discretion, the amount of the gift or payment in the nature of a gift but such payment will not be measured by or dependent on hours worked, production, or efficiency. The City Council shall determine a fair and equitable method of distribution of any gift or payment in the nature of a gift, and such amounts may vary among the different employees or groups of employees according to their salary or regular hourly rate of such employees or according to their length of service with the City.

**4.15 Employee Pay.** Employees will receive pay based upon City policy and Fair Labor Standard Act (FLSA) requirements.

## CHAPTER 5

## ATTENDANCE

### **5.1 Hours of Work.** The following hours of work are established:

The normal workweek for non-exempt employees shall be forty (40) hours in a seven (7) day work period beginning on Sunday. Department Head may alter working hours with the permission of the City Manager.

These hours of work do not apply to the City Fire Department.

**5.2 Recording Time Worked.** Each non-exempt employee shall be required to maintain an approved time card of hours worked. Any authorized use of sick leave, injury leave, funeral leave, vacation time, holiday leave, or other leave time which an employee is eligible to receive with pay, shall be recorded by the Department Head on the employee's card.

Exempt employees shall record all leave time (sick time, vacation, etc.) and the same shall be recorded by the Human Resources Director in the employee's payroll records.

**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.

**5.4 Mandatory Attendance.** The City has the responsibility to the employees to provide the best training available within budgetary constrictions. 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.

## CHAPTER 6

## LEAVE

**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
- Juneteenth, June 19
- 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.

### **6.2 Vacation.**

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

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
Employees who work 12-hour days	Increments of six (6) hours

- (f) **Pay at termination.** Employees shall receive payment for unused vacation time upon voluntary or involuntary termination of employment.
- (g) **Part Time Vacation.** For employees working in a KPERS covered part time position they shall receive paid vacation days at the beginning of each calendar year based on the number of years of continuous employment. Paid vacation is calculated from the employee's previous year's average weekly hours worked.
 

0-5 years	1 work week based on average weekly hours worked
6-10 years	2 work weeks based on average weekly hours worked
11+ years	3 work weeks based on average weekly hours worked.

### 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 accrue 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, may be recorded in half hours increments.
- (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.

**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.

**6.5 Training Leave.** This policy does not apply to exempt employers as defined in Section 4.8. If an employee is **required** to attend training events outside of normal working hours, he/she shall be paid for the additional time. In cases where the training is taken **voluntarily** to improve the employee's productivity and the value of his/her work to the City, the City may pay part or all of the tuition upon the recommendation of his/her Department Head and approval of the City Manager.

**6.6 Military Duty Leave.** "Uniformed services" means the Navy, Marines, Army, Air Force, the Army National Guard, the International Guard and the Commissioned Corps of the Public Health Service, and any other category designated by the President in time of service or emergency. "Military Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and a period for which a person is absent from employment for the purposes of an examination to determine the fitness of the person to perform any such duty.

- (a) **Discrimination Prohibited.** The City prohibits discrimination against a person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service. In general, such individuals shall not be denied initial employment, re-employment, retention employment, promotion or any benefit of any employee based on membership in the uniformed services, application for membership, performance of service, application for service or actual service obligation. This discrimination policy applies to both regular and temporary employees.
- (b) **Leave of Absence.** Any employee, except a temporary employee, who leaves City service for military duty shall be placed on military leave without pay. Employees shall give advance notice of the leave, except no prior notice of the leave is required if it is precluded by military necessity or the giving of such a notice is impossible or unreasonable.
- (c) **Use of Accrued Leave.** Employees are permitted to use any accrued leave such as vacation leave or other leave with pay toward military leave. However, the City does not require employees to use paid vacation leave to apply toward military leave.
- (d) **Re-employment.** An employee returning from military leave shall be entitled to re-employment to his/her former position or a position of like pay and responsibility if:

1. employee provides advance written or verbal notice of military leave unless employee is precluded from providing such a notice by military necessity or the giving of such a notice is impossible or unreasonable;
2. employee has five years or less of cumulative service in the uniformed services while with that particular employer;
3. employee applies for reemployment in a timely manner after conclusion of service as set forth below; and
4. employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Except an employee shall not be re-employed when:

1. The City's circumstances have so changed as to make such re-employment impossible or unreasonable;
  2. The person entitled to re-employment due to a disability or is no longer qualified for the prior position and employment imposes an undue hardship on the City;
  3. The employment from which the employee leaves to serve in the uniformed services is a temporary job and there is no reasonable expectation that the job will continue indefinitely or for a significant period.
- (e) **Notice to Return to Work.** Employee must provide notice to return to work within the required time period based on the length of military duty as set forth below:
1. *Less than 31 days:* First full regularly scheduled work period following completion of service (with an eight-hour period for safe transportation);
  2. *More than 30 days but less than 181 days:* Fourteen days after the completion of service (or if impossible or unreasonable through no fault of the person, the next first full calendar day when application becomes possible);
  3. *More than 180 days:* Not later than 90 days after the completion of service;
  4. *A person who is hospitalized or convalescing:* At the end of the period that is necessary for the person to recover.
- (f) **Vacation and Sick Leave.** Upon restoration to City service, the employee shall be restored all vacation and sick leave credits unless he/she was paid for unused vacation leave at the time of induction or enlistment.
- (g) **Health Benefits.** Employees performing military duty of more than 30 days may elect to continue City-sponsored health care for up to 24 months; however, they may be required to pay *up to* 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. USERRA clarifies pension plan coverage by making explicit that all pension plans are protected.
- (h) **Other Benefits.** Employees who are re-employed are entitled to all seniority-based benefits he or she would have accrued had the employee not gone on military leave. An individual returning from military leave is entitled to all benefits not based on seniority in the same manner as any employee on a leave of absence would be able to accrue under other City policies. If an employee is required to pay a portion of the cost for non-seniority-based benefits, the employee on military leave is required just like all other employees to pay a portion.
- (i) **Military Training.** Any employee who is a member of any reserve component of the United States armed forces of the National Guard shall be granted military leave for a short tour of active duty or field training encampment. In those cases where military pay is less than the employee's regular salary, an employee may be compensated for the difference in his/her military pay and his/her City salary for a period not to exceed fourteen (14) days.

**6.7 Workers Compensation Leave.** The City recognizes the financial strains that an employee faces when injured on the job. Employees who are injured on the job and who qualify for Workers Compensation benefits will continue to be compensated by the City while they are off work and recuperating from their injuries.

Compensation to the injured employee shall be at the rate of pay that the employee was receiving at the time of the injury and will continue for a maximum of thirty (30) calendar days from the date of the accident. Any Workers Compensation benefits received by the employee during this thirty (30) day period shall be reimbursed to the City. If an employee is off work for longer than thirty (30) calendar days, compensation by the City shall terminate and the employee shall have the option of using vacation, sick, or compensatory time until exhausted. Workers Compensation benefits paid beyond this thirty (30) day period shall be retained by the employee.

An employee who is seriously injured and who faces an extended recovery period may appeal to the City Manager for an extension of unreduced compensation for any period of up to six (6) months while in rehabilitation. Should the City Manager approve an extension of unreduced compensation, any Workers Compensation benefits received by the employee during the extension shall be reimbursed to the City. The City Manager may grant more than one extension to an employee during the same rehabilitation period.

If an employee is off work for a longer period than covered by unreduced compensation, the employee shall have the option of using vacation, sick, and compensatory time until exhausted.

It is the policy of the City to return employees to work within the restrictions provided by the physician and as provided in the City's Return to Work Policy. (See Chapter 11)

#### **6.8 Personal Leave.**

(a) **Annual Personal Leave.** Full time employees 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 1<sup>st</sup> 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 half 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 1<sup>st</sup> 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.

**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. If extenuating circumstances arise, the consecutive working days may be modified with approval of the City Manager. 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.

**6.10 Civic Duty Leave.** An employee may take leave to serve as a member of a jury, upon being called as a witness because of their City position in any court, and to vote. During the period of leave to serve as a member of a jury or testify as a witness because of his/her City position, the employee shall receive regular pay less any amount paid for performing such public service. An employee whose public service duty is completed before the end of their normal workday with the City shall return to their City post of duty.

Employees shall furnish a copy of any court document, which requires an employee to serve on jury duty or to appear in court as a witness; and shall submit a copy of any check received for such duty or appearance to the Human Resources Director for an adjustment of pay.

Employees are entitled to take paid leave for up to two (2) consecutive hours to vote IF the polls are not open at least two (2) hours before or after the employee's work schedule. The City has the right to schedule the hours, and will not schedule them over the lunch hour. For example, if the employee is scheduled to work from 8 a.m. to 5 p.m., and the polls open at 7 a.m. and close at 6 p.m., the City may, in its discretion, schedule an employee to take one hour of paid leave to vote from 8 a.m. to 9 a.m. or from 4 p.m. to 5 p.m.

Employees shall obtain approval from Department Heads to appear in court in a personal court case, and the time off may be charged to the employee's vacation, personal, compensation, or wellness time.

**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 sixteen (16) hours. Use of wellness leave is subject to the scheduling and approval of the department Head. Wellness hours may be taken in half hour 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 if all other leave is exhausted 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 considered 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. 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.

**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.

## CHAPTER 7

## EMPLOYEE CONDUCT AND DISCIPLINE

**7.1 At Will Status of Employment.** All City personnel, except elected officials, hold their position at the will of the City and may be terminated at any time.

**7.2 Authority to Discipline.** The City Manager has the authority to discipline Department Heads, supervisory personnel, and all other personnel. Department Heads or supervisors are delegated the authority to discipline personnel pursuant to this policy.

**7.3 General Policy.** These guidelines are placed in written form for the benefit of all employees to insure fair treatment of all. The City expects all employees to conduct themselves in a professional and ethical manner at all times. The City has established standards of conduct outlined below. This list is not intended to be a complete list of misconduct that may result in immediate termination or other disciplinary action; these are merely some examples of unacceptable conduct. The City reserves the right to discipline or terminate employees for conduct not listed herein.

This list provided here does not change the fact that the City's employees are employees at will, and either the City or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

**7.4 Examples of Conduct that May Lead to Discipline, Including Termination.** The following is a list of misconduct, which may subject an employee to disciplinary action, up to and including termination. The list is not exclusive; it is only representative of the types of misconduct that can result in disciplinary action. An employee can be subject to disciplinary action if they:

- (a) Is convicted of any City, state or federal law.
- (b) Violates any policy or procedure contained in this Handbook or any other City or Department policy or procedure.
- (c) Violates any policy, procedure, or regulation required by state, federal or any governmental or regulatory agency.
- (d) Commits sexual harassment or discharges duties in a manner that results in discrimination to any person on the basis of race, color, gender, disability, religion, age (40 and older), national origin, ancestry, sex (including pregnancy and related conditions, sexual orientation or gender identity), genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history), and retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.
- (e) Fails to follow prescribed safety procedures including failure to notify their supervisor of unsafe working conditions.
- (f) Takes or uses any funds or property of the City for personal use or for sale or gift to others.
- (g) Discloses confidential records or information, unless directed to do so by his/her Department Head or supervisor.
- (h) Experiences the revocation or suspension of a certification or license, including drivers license, when such is required as a condition of City employment.
- (i) Materially falsifies an application for City employment; makes a false statement or report in regard to any test, certification, or appointment; or attempts to commit any fraud that violates the merit principles of personnel administration.
- (j) Gives, attempts to give, or receives any monetary consideration or undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (k) Takes or offers to take from any person for the employee's personal use, any fee, gift, or other thing or service of value, in the course of his/her work or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better

treatment than that accorded any other person; accepts a bribe, gift, money, or other thing of service or value intended to perform or refrain from performing any official act; or engages in any act of extortion or other means of obtaining money or any thing or service of value through his/her position in the service of the City.

- (l) Unprofessional conduct, such as fighting, gambling on City property, discourtesy, rudeness, intimidation or threats of any kind against other employees or customers, or using vulgar or profane language to any customer, supervisor or another employee.
- (m) Displays inattention to duty, carelessness, or is responsible for the destruction or loss of public property, supplies, equipment or funds.
- (n) Possesses or uses alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention; uses alcohol or drugs, except for where prescribed by a physician, while on duty; or sells, offers to sale, or gives away alcohol or drugs while on duty or at the workplace.
- (o) Displays incompetence, inefficiency, or neglect of duty in the performance of their position.
- (p) Displays insubordination or another breach of discipline.
- (q) Displays discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the City.
- (r) Abuses leave time or falsifies attendance records for oneself or another employee;
- (s) Makes any false claim against the City, or knowingly makes a false statement to any employee or officer of the City.
- (t) Has excessive absenteeism, or tardiness.
- (u) Leaves the workplace during scheduled shift or fails to report to work without supervisor approval.
- (v) Fails to give proper notice of absences.
- (w) Sleeps on the job.
- (x) Uses alcohol or drugs, off the job, to the extent that the employee's job performance or effectiveness as a City employee is impaired.
- (y) Induces or attempts to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful official order or regulation.
- (z) Possesses unauthorized firearms or other weapons on the job.

**7.5 Disciplinary Actions.** The form of discipline is determined on a case-by-case basis and depends entirely upon the facts and circumstances of each situation. The City is not obligated to use increasingly severe means of discipline with individual employees, but is free, at and within its sole discretion, to impose the discipline it deems necessary.

The City may, in its sole discretion, take other, more-stringent disciplinary actions if it believes such action is appropriate and necessary. Under certain circumstances, the City Manager, Department Head or supervisor may determine the misconduct is so severe that termination is warranted. On all occasions, and at the discretion of the City Manager, Department Head or supervisor, the following forms of disciplinary action may be taken:

- (a) **Verbal Warning.** A verbal warning is a verbal reprimand given to an employee by their supervisor or Department Head. A record of the warning shall be recorded in the employee's file.
- (b) **Written Reprimand.** A written reprimand is a written notice to an employee by their supervisor or Department Head, a copy of which shall be recorded in the employee's file.
- (c) **Re-Training.** Re-training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on-the-job behavior or adherence to City policies. Failure to meet the re-training requirements may result in



additional disciplinary actions, up to and including termination.

- (d) **Salary Reduction.** A salary reduction is the lowering of an employee's rate of pay within the pay range to which the employee's position is assigned.
- (e) **Demotion.** A demotion is the placement of an employee into a position of a lower pay range.
- (f) **Suspension.** A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (g) **Reimbursement.** Payment from an employee or terminated employee who has been deemed responsible for equipment that was lost, stolen or damaged due to neglect or carelessness. Payment may be partial or total cost of replacement equipment.
- (h) **Termination.** Termination is the removal of an employee from City employment.

**7.6 Investigation, Prosecution and Termination.** It is the policy of the City to investigate any theft, misappropriation or diversion of assets. The City works in conjunction with local law enforcement agencies to investigate any allegations of theft, misappropriation or diversion of assets. The City may, in its discretion, secure a neutral third-party to investigate into any suspected misconduct. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City; any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of general local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employee; as otherwise required by law. The City will immediately terminate and vigorously prosecute any and all employees found to be responsible for or involved in any of these activities. It is the responsibility of all employees to report any actual or suspected theft by any individual. Failure to report such acts will be grounds for termination.

## CHAPTER 8

## SEPARATIONS

**8.1 Resignations.** An employee voluntarily terminating employment shall be terminated in good standing, providing the employee gives a minimum of fourteen (14) calendar days written notice to their immediate supervisor or Department Head. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Head. Employees who fail to give proper notice or do not receive special approval for a reduced period of notice will have their personnel file documented with a "not subject to rehire" statement.

**8.2 Termination.** An employee who is involuntarily terminated shall have their personnel file documented with a "not subject for rehire" statement.

**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 their 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.

**8.4 Layoffs.** Whenever a reduction in personnel becomes necessary due to a reduction in funds, work or similar reason, layoffs order will be based on the recommendation of the Department Head. In preparing a recommended order of layoff, the Department Head shall consider the lengths of service and the job performances of the employees involved. Employees with the classifications involved generally will be laid off in the following order: temporary employees, initial training employees, re-training employees, part-time employees and regular full time employees.

Employees selected for layoff shall be provided with a written notice at least fourteen (14) calendar days prior to the layoff.

Recall of employees shall be in the reverse order of layoff. Accordingly, the first persons to be laid-off will be the last persons re-hired. Employees will only be recalled to the department from which they were laid off. Employees laid off while in initial training or in re-training status have no rights to recall.

**8.5 Return of Property.** At the time of separation, an employee shall return all tools, uniforms, keys, passwords or other City property issued to them in the course of employment. Employee-occupied City-owned houses shall be vacated within 14 calendar days of the employee's last working day. Failure to return City property upon separation may result in civil or criminal charges.

## CHAPTER 9

## INSURANCE AND BENEFITS

**9.1 Group Medical Insurance.** Group medical and hospital insurance is available to all full-time City employees. Failure of the employee to maintain their portion of the premium of the insurance coverage may result in termination of the coverage, upon decision of the carrier.

The City retains the right to change benefits for health care and the basis for contribution toward health care and costs for all covered employees, including covered family members. For specific information, see the plan documents provided in the Human Resources Department.

The City complies with those provisions of the Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group medical insurance coverage upon termination of City employment.

**9.2 Life Insurance.** All eligible employees receive life and disability coverage when they become members of the Kansas Employees Retirement System (KERS) Program. The premium for this policy is paid for by the City at no cost to the employee.

The City makes available to each employee the option of purchasing group life insurance, administered by KERS, on a payroll deduction basis. The cost of this additional life insurance is paid by the employee and varies with the options selected by the employee.

**9.3 Workers Compensation.** All City employees are under the provisions of the State of Kansas Workers' Compensation Law, which provides compensation for hospitalization, medical and physical expenses, loss of pay, and death benefits for any employee injured or killed by an accident arising out of and in the course of their employment by the City. The cost of this insurance is paid in its entirety by the City.

**9.4 Other Policies.** The City offers several other optional insurance programs through payroll deduction entirely at the employee's expense. The City will only payroll deduct for approved plans.

**9.5 Flexible Spending / Premium Conversion Plan.** The City offers employees the option of participating in a Section 125 Flexible Benefits Plan. This plan allows employees to withhold pretax dollars for qualified un-reimbursed medical expense, dependent care, and premium conversion. Details on the plan will be provided to the employees annually at each enrollment period.

**9.6 Payroll Deductions.** Premiums or contributions to insurance, retirement, or other authorized deductions will be deducted from the employee's paycheck.

**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.

## CHAPTER 10

## RETIREMENT BENEFITS

**10.1 Kansas Public Employees Retirement System (KPERS).** All eligible City employees are required to join the Kansas Public Employees Retirement System (KPERS) program or the Kansas Police & Fire (KP&F) program. This program provides retirement benefits through joint contributions from the employee and the City. The employee's contribution will be automatically deducted from their paycheck at the time they join the program. If an employee leaves the employment of City prior to their retirement, KPERS/KP&F will handle any retirement or reimbursement benefits in accordance with the statutes and policies governing the KPERS/KP&F program. The Human Resources Director shall assist all employees in obtaining information regarding the policies and procedures of KPERS/KP&F.

**10.2 Retirement Age.** The retirement policy of the City shall be consistent with the federal Age Discrimination in Employment Act (ADEA). Specific retirement benefits under KPERS/KP&F may be found by contacting KPERS directly.

**10.3 Deferred Compensation.** The City provides the opportunity for eligible employees to participate in the following deferred compensation plans: (1) 457 Deferred Compensation Plan.

Details for the plan regarding participation, contributions, rollovers from other plans, vesting, forfeitures, investment options, and other specific information are contained in plan documents available in the Human Resources Department.

**10.4 Group Health Care Insurance for Retirees.** Pursuant to Kansas State Statute 12-5040, the City shall make health care coverage available under its group health care insurance program available to retired former employees and their dependents. Please check with the Human Resource Department for more information.

**10.5 – Additional Retirement Benefit Paid by the City.** In recognition of the dedication of long-term employees, the City shall provide an additional retirement benefit in an amount not to exceed twenty-five (25) percent of the monthly group health insurance premium for an employee-only policy. Please check with the Human Resource Department for more information.

## CHAPTER 11

## WORKPLACE INJURY / ACCIDENT REPORTING

The City is subject to the workers compensation law, which provides compensation for work-related injuries or illness. If you are injured or become ill as a result of events occurring on the job, the cost of your medical care is covered. All employees are to comply with the following provisions:

**11.1 Report the Accident or Illness Immediately.** Employees must report injury and illness to their department supervisor, Human Resources Director or the City Clerk prior to the end of their shift. At the time of reporting the injury or illness, employees must also complete the "Employers Report of Accident" form. If medical care is needed, employees shall obtain an "Authorization for Work Comp Medical Treatment" form. This form will include information on where to go for medical treatment. For emergency situations, seek immediate emergency medical treatment.

**11.2 Submit to Post-Accident Drug Screening.** Employees may be required to submit to drug or alcohol screening if the employee is involved in an accident that requires medical attention.

**11.3 Participate in Accident Investigation.** The Accident Investigation Committee will conduct an investigation and complete the "Accident Investigation Form" within 48 hours. The completed form shall be turned over to the City Clerk for review by the Safety Committee.

**11.4 Facilitate Communications Between the Doctor and the City.** It is the responsibility of the employees to meet with their manager and/or the Human Resource Director and/or City Clerk following each doctor visit to discuss the results of the appointment. The employee will bring with them documentation with the written instructions from the physician outlining medications, days away from work, and any restriction of work or motion.

**11.5 Return to Work.** It is the policy of the City to aggressively return employees to work, within the restrictions provided by the physician. Department heads and supervisors will be responsible for finding productive work for each injured employee.

Temporary restricted duty work reassignment need not be confined to the current department that the employee is ordinarily employed. The Pay Grade for injured employees will be based on their pay at the time of the injury.

Returning the injured employees to work as soon as possible benefits both the employee and the City. Questions concerning this policy should be addressed to the Human Resources Director or to the City Clerk.

The City has identified and created alternative or modified work-duty tasks. Matching a worker's impaired physical capability from an injury to these tasks can control accident costs and improve employee morale and productivity.

**11.6 Failure to Follow Reporting Instructions.** For work related injuries, all employees will need to follow the City's reporting instructions. Failure to follow the instructions could delay workers compensation payment(s) and could result in inaccurate information, reporting, and reduced payments.

## **CHAPTER 12                      WORKPLACE VIOLENCE AND WEAPONS**

The City promotes a workplace free from violence, harassment, and threats. The City has a zero tolerance for workplace violence and reports such incidents to the appropriate law enforcement authorities.

**12.1 Workplace Violence Prohibited.** Workplace violence includes physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, threats of violence or talk of engaging in these listed activities. Any verbal or physical conduct of a violent nature which has the purpose or effect of creating a dangerous, unsafe, intimidating or violent working environment shall constitute workplace violence. All employees are prohibited from engaging in any of these acts, or any other act that might constitute workplace violence. Any employee who does engage in such activity is subject to immediate discharge.

**12.2 Weapons Prohibited.** All persons, except authorized law enforcement officers, who enter City property are prohibited from carrying any weapon as defined below, regardless of whether the person is licensed to carry the weapon or not. This Policy applies to all non-law enforcement persons, including without limitation, any and all employees, guests of the City or employees, and vendors and contractors on City property. Employees, other than law-enforcement persons and animal control officers, are prohibited from carrying a weapon while engaged in the duties of the employee's employment, whether they are on City property or not. This Policy also prohibits weapons at any City-sponsored events such as parties or picnics. Any exceptions to this Policy shall be made at the sole discretion of the City Manager.

### **12.3 Definitions.**

(a)**Weapon.** A "weapon" includes any form of weapon or explosive device including, but not limited to, all guns and firearms, explosive agents, substances or other hazardous devices, stun guns, knives, brass knuckles, Ninjitsu weapons (e.g., Asian Fighting Stars and nunchucks) or other weapons as further defined under federal, state and local laws, ordinances or regulations. The foregoing list is not all-inclusive and any additional classification of an item as a prohibited weapon shall be within the authority of the City.

(b)**City Property.** City property includes, without limitation, all City-owned or leased buildings, structures, offices, work areas, entry ways, parking area and adjoining sidewalks under the City's ownership or control. This policy also applies to all City-owned or leased/rented vehicles.

**12.4 Search for Weapons.** At its discretion, the City reserves the right, at any time, to conduct a search for weapons.

**12.5 Violations of Policy.** Violations of this policy may result in disciplinary action up to and including termination of employment. Any person who is not an employee and is determined to have violated this policy may be barred from the City's property. The City reserves the right to refer any violations of this policy to appropriate law enforcement agencies.

Employees who believe they are victims of workplace violence, who observe workplace violence or who observe violations of the prohibitions against weapons, shall immediately report such incidents to a supervisor or other management person. Reports involving any of these persons shall not be reported to that person; instead, must be made the report to one of the other persons identified.

**CHAPTER 13**

**DRUG FREE WORKPLACE POLICY**

**SEE APPENDIX II: DRUG AND ALCOHOL POLICY**

## CHAPTER 14            EMPLOYEE ASSISTANCE PROGRAM (EAP)

*The provisions of this chapter apply only to employees in safety sensitive positions.*

**14.1 General Statement.** The City has the responsibility of providing a safe, healthy, and efficient work environment for all safety sensitive employees (SSE). In an effort to enhance the personal well-being of its employees and their immediate family members and to contain the rising health care premiums of its work force, the City has chosen to make an Employee Assistance Program (EAP) available to all SSE and their immediate family members.

**14.2 Policy.** The City will provide an Employee Assistance Program for all SSE and their immediate family members.

- (a) The EAP will be available for use on a voluntary basis as well as for mandatory referrals.
- (b) The EAP will provide assessment and referral services.
- (c) The EAP will offer thorough and complete confidentiality.
- (d) The City Manager or his/her designee, with the support of the City, shall be responsible for oversight and maintenance of the EAP and will provide a high level of direction and promotion of the EAP.
- (e) The EAP will provide training and education for all SSE on how to utilize the program and will provide additional training and education for supervisors who will be allowed to make mandatory referrals.

**14.3 Procedure.** The EAP "Support Line" will be coordinated by an external agency, the Mental Health Consortium, Inc. This program will include a toll-free 800 number, 800-999-1196, available twenty-four (24) hours a day. The support line will be answered by a master's level mental health professional who will provide telephone counseling, and if requested by the caller, referral to appropriate services for further assistance. The support line number and the policy will be provided to each individual safety sensitive employee and be available on company bulletin boards.

All referrals for face-to-face counseling will be directed to the nearest community mental health center or appropriate agency for assessment and determination of the most appropriate level of care. These referrals would include coordination of the time, date, therapist, and location according to the caller's convenience. Face-to-face contact with a therapist will be assured to occur within forty-eight (48) hours. All expenses incurred by these sessions, voluntary or mandatory, will be the responsibility of the employee.

**14.4 Voluntary Referral.** The EAP will be available to all SSE and immediate family members to utilize at their own discretion. Unlimited access is available. This process will involve the employee or family member calling the support line and discussing the problem with a mental health professional. If requested by the caller and/or if appropriate, a referral will be made to appropriate resources to deal with the problem.

**14.5 Mandatory Referral.** Mandatory referrals may be made to the EAP by the supervisors of City of Paola. A mandatory referral shall be the result of a documented problem or problems related to poor job performance on the part of the employee. If a mandatory referral is made by a supervisor, the referral form shall be completed by the supervisor, signed by the employee, and forwarded to the City Manager or his/her designee. (See exhibit "A"). The City Manager or his/her designee will contact the EAP counselor to alert them to the required contact. The employee will have forty-eight (48) hours after signing the referral form to contact an EAP counselor by calling the support line and setting up a face-to-face meeting with appropriate referral sources. The EAP counselor will confirm contact from the employee by notifying City Manager or his/her designee. Failure to contact the EAP counselor within forty-eight (48) hours without just cause may be grounds for disciplinary action, up to and including termination.



In the case of a mandatory referral for drug testing, the supervisor will accompany the employee to the testing site.

**14.6 Confidentiality.** The Employee Assistance Program Administrator (Mental Health Consortium, Inc.) shall maintain only those records necessary to comply with the program. After a supervisor refers an employee to the EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's problem, including the employee's identity, diagnosis, prognosis, or treatment is confidential and may be disclosed only when authorized through written consent of the employee.

#### **14.7 Leave Allowance**

- (a) **Voluntary Referral.** Employees will be allowed to utilize their accrued sick leave or accrued vacation leave to voluntarily access the EAP, should such appointment(s) be necessary during their normal working hours. City of Paola would encourage employees to pursue assessment and counseling during off duty hours whenever possible.
- (b) **Mandatory Referral.** Employees' vacation and sick leave will be used for referral and assessment sessions, which are mandated, by the employee's supervisor, or City Manager or his/her designee of City of Paola. Further, counseling activities beyond referral and assessment will be the responsibility of the employee.

## **CHAPTER 15    DISPUTE RESOLUTION**

The City believes that open communication is essential to the maintenance of a productive work environment. The City realizes that, from time to time, problems, concerns or disputes may arise which, if left unresolved, will negatively impact the work environment. The purpose of the City's dispute procedure is to provide an outlet for those problems, concerns, or dispute that cannot be resolved informally with your supervisor. The presentation of a formal dispute does not affect the at-will nature of employment with the City of Paola. All employees are employee's at-will, and may be terminated at any time, with or without cause, and with or without review pursuant to this procedure.

**Limitations.** The following limitations apply to the City's Dispute Procedure:

- (a) **Eligibility.** An employee, who wishes to take advantage of the dispute procedure, must be a regular full-time employee and must have successfully completed their initial training period.
- (b) **Application.** The policy or procedure of the City which directly affects the employee.

### **Dispute Procedure**

Dispute must be filed following the procedure below, with the exception of harassments allegations defined in Section 2.6. Harassment allegations should be made through the procedures described in the City's Non-Harassment Policy Section 2.6 of the Employee Handbook.

(a) A dispute must be submitted in writing within five (5) business days following the event upon which the dispute is being made. Disputes shall be submitted to the Employee's immediate supervisor with a copy to the Human Resource Director. All disputes shall include:

1. A statement of all relevant facts upon which the dispute is based and a specific regulation or policy which the employee believes was violated.
2. The remedy or adjustment sought.
3. Disputes shall be signed by the employee and dated as of the date of submission.

(b) The immediate supervisor shall forward the dispute along with his or her recommended resolution to the department head within five (5) business days of receipt. The immediate supervisor's recommended resolution shall include confirmation or denial of each factual allegation set out in the dispute, along with any recommended remedy or adjustment.

In the event that the dispute involves discrimination or retaliation by the immediate supervisor, or termination, demotion or suspension without pay, the employee may present the dispute directly to City Manager.

(c) The department head shall render a written decision on the dispute within five (5) business days following receipt of the immediate supervisor's recommended resolution. Copies of the department head's decision will be sent to the employee, the immediate supervisor involved and the Human Resource Director.

(d) If the employee is dissatisfied with the decision of the department head, they may submit their dispute, and the decision, to the City Manager for review. Requests for review must be submitted in writing within five (5) business days following receipt of the department head's decision. The City Manager shall render a written decision on the request within five (5) business days. The City Manager's decision shall be final and conclusive. Copies of the City Manager's decision will be sent to the employee, immediate supervisor, department head involved and the Human Resource Director.

**Time Limits.** A dispute not advanced to the subsequent step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the City's representatives to answer within the time limit set forth in any step will entitle the employee to proceed to the next step.

In the event that the City Manager is unavailable (vacation, illness, etc.) to respond to a dispute, the City Manager may appoint a designee to respond to the dispute or the City may, at its option, extend the time for responding to the dispute.

**Limitation on Review.** Details of dispute and investigations shall be kept as confidential as possible. No dispute shall be viewed or decided by any person outside the City.

**Retaliation Prohibited.** Retaliation in any form against an employee who has filed a dispute in good faith is prohibited and cause for disciplinary action pursuant to this Employee Handbook. No employment related decision shall be made in retaliation for filing a dispute in good faith.

**Abeyance.** If a dispute is filed with any other board, agency or court with concurrent jurisdiction concerning the subject matter of a dispute filed pursuant to this policy, the dispute may, at the City's option, be held in abeyance until such other board, agency or court has rendered its decision.

## **APPENDIX I**

### **The City of Paola Employee Handbook**

#### **Definitions**

**Department Head:** A person directly responsible for the administration of a City Department.

**Household Member:** Anyone residing in the same residence as the employee.

**Human Resources Director:** Personnel employed to handle matters involving employees, as hiring, benefits, payroll, and employment policies and procedures

**City Manager:** A person not publicly elected but appointed by a city council to manage the city.

**Immediate Family:** Immediate family includes only the employee's parents, stepparents, foster parents, spouse, domestic partner, children, step children, siblings, step siblings, foster children, grandparents, grandchildren, mother or father-in-law, and brothers or sisters-in-law.

**Pay Grade:** Range of pay according to an employee's level or rank in the classification plan.

**Pay Range:** A series of pay steps, from the entrance rate to the maximum of the range, identified by letters.

**Position:** A post of employment with assigned responsibilities and duties to be performed by one employee.

**Initial Training Employee:** An employee who is serving a minimum six-month training period.

**Initial Training Period:** A working test period during which an employee is required to demonstrate their fitness, for the position to which they have been employed, by actual performance of the duties of the position, and/or adherence of City/Department policies and/or on-the-job behavior.

**Re-Training Employee:** An employee who has previously served a minimum six-month training period but is under disciplinary action for a designated length of time.

**Re-Training Period:** A specified length of time working test period during which an employee is required to demonstrate their fitness, for the position to which they have been employed by actual performance of the duties of the position and/or adherence of City/Department policies and/or on-the job behavior.

**Professional Supervisory Responsibility:** An individual has "professional supervisory responsibility" for another individual if he or she performs functions including, but not limited to supervising, evaluating, hiring, coaching, counseling, recommending, advising or making decisions that confer benefits such as compensation, promotions or other remuneration or that may impact upon other employment opportunities.

**Promotion:** Increase in the duties and responsibilities of an employee such as to involve a higher grade; transfer of an employee to a position in a higher grade.

**Relative:** The employee's parent, stepparent, spouse, domestic partner, children, step children, foster children, siblings, step siblings, aunt, uncle, niece, nephew, grandparent, grandchild, mother or father-in-law, and brother or sister-in-law.

**Reprimand:** A form of disciplinary action designed not only to admonish or warn an employee, but also to lead, guide, direct, and instruct the employee in how to correct and avoid repeating a mistake, infraction, deficiency, or other problem.

**Supervisory Personnel:** A person reporting directly to a Department Head, and responsible for supervising one or more other employees.

**Transfer:** Change of duties from one position to another in the same grade.

**Volunteer:** A non-paid individual in the position they hold. When acting as a volunteer an individual is not an employee regardless of other city employment.

## **APPENDIX II**

# **City of Paola**

**Paola, Kansas**

## **DRUG AND ALCOHOL TESTING POLICY** **(FMCSA/DOT)**

**Policy Date:** February 2024

**Revised Date:** February 2019

## TABLE OF CONTENTS

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I.	GENERAL.....	2
II.	PROHIBITIONS.....	3
III.	TESTS REQUIRED.....	4
IV.	HANDLING OF TEST RESULTS, CONFIDENTIALITY.....	5
V.	CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT.....	5

### APPENDIX

- A. INFORMATION CONCERNING THE EFFECTS  
OF ALCOHOL AND CONTROLLED SUBSTANCES
- B. DER AND SERVICE AGENTS
- C. JOB CLASSIFICATION SUPPLEMENT
- D. DILUTE SPECIMEN NEGATIVE INFORMATION

## I. GENERAL

### A. Purpose

1. The Department of Transportation (DOT), Federal Motor Carriers Safety Administration (FMCSA) requires City of Paola, to establish a drug and alcohol testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Further, the purpose of this policy is to bring City of Paola into compliance with all regulations, which require affirmative actions to eliminate the impact of the use of controlled substances and misuse of alcohol in the workplace.
2. **This policy does not create any contractual rights in favor of employees to whom the Policy is applicable. Nor does this Policy in any way alter the at-will nature of employment or imply that discharge will occur only "for cause".**
3. **Those areas of the policy printed in bold and underlined text reflect City of Paola independent authority to require additional provisions with regard to the drug and alcohol testing procedures.**
4. **The presence of controlled substances in the body as well as the use or possession of controlled substances and/or alcoholic beverages while on City of Paola property, or in any City of Paola vehicle, or on duty, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.**
5. Designated Employer Representative: (Appendix B) contains the name, address, and telephone number of the Designated Employer Representative (DER). The DER is authorized by City of Paola to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR, Part 40.

### B. Applicability

This policy applies to any employee of City of Paola who holds a Commercial Driver's License (CDL) and uses that license to operate a commercial motor vehicle. 49 CFR Part 382.107 defines these vehicles as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F)

### C. Testing Procedures

It is a condition of employment that all employees who hold a Commercial Driver's License (CDL) and uses that license to operate a commercial motor vehicle submit to drug and alcohol testing. All testing conducted under this policy will follow procedures as set forth in 49 CFR Part 40. The Procedures have been developed to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to ensure that the test results are attributed to the correct employee.

### D. Definitions

Words and phrases used in this policy are as defined and found in 49 CFR Parts 40.3 and 382.107.



## II. PROHIBITIONS

### A. Alcohol

1. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No driver shall use alcohol while performing a safety-sensitive function. This includes beverages containing alcohol or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance that would cause alcohol to be present in the body.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until a post-accident alcohol test has been administered, whichever occurs first.

### B. Controlled Substances

1. The Department of Transportation currently tests for: Marijuana, Cocaine, Amphetamines (Amphetamine, Methamphetamine, MDMA, MDA), Opioids (Codeine, Morphine, Heroin, Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone) and Phencyclidine.
2. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance.
  - a. **ILLEGAL DRUGS:** The use of any illegal drug or any substance identified in Schedules I through V of the Controlled Substance Act is prohibited at all times unless a legal prescription has been written for the substance. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.
  - b. **MEDICAL MARIJUANA OR RECREATIONAL USE IS PROHIBITED UNDER THIS POLICY.** The federal Government and the Department of Transportation do not recognize Medical Marijuana prescriptions or Recreational Use. Federal Law always supersedes State law(s). The Company shall follow all Federal Government regulations and guidelines regarding Medical Marijuana or Recreational Use and will not allow its employees, individuals, drivers, operators and/or contractors to be employed or perform work at any of the Company's locations, terminals or operations while on Medical Marijuana or Recreational Use.
  - c. **LEGAL DRUGS:** The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor. In addition, the employee must obtain a written release from a licensed medical practitioner releasing the person to perform their job duties any time they obtain a performance-altering prescription.
  - d. **PRESCRIPTION DRUGS:** A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing safety-sensitive functions is prohibited.
  - e. **CBD OIL:** The claimed use of CBD oil shall not be considered a medical excuse for a positive marijuana test.

### C. Refusal to submit to a required alcohol or controlled substances test

No driver shall refuse to submit to an alcohol or controlled substance test required by 49CFR, Parts 40 and 382.

As an employee, you have refused to take a drug test if you:

1. Fail to appear for any test (except pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer
2. Fail to remain at the testing site until the testing process is complete
3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the provision of a specimen
5. Fail to provide a sufficient amount of urine when directed and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure
6. Fail or decline to take an additional drug test the employer or collector has directed you to take
7. Failing to undergo a medical examination when required
8. Failing to cooperate with any part of the testing process
9. For an observed collection, fail to follow the observer's instructions to raise and lower clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if you have a type of prosthetic or other device that could be used to interfere with the collection process
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
11. Admit to the collector or MRO that you adulterated or substituted the specimen
12. Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations
13. Fail to provide a sufficient breath specimen, and the physician has determined through a required medical evaluation, that there was no adequate medical explanation for the failure
14. Failing to sign Step 2 of the alcohol testing form
15. The employee refuses to wash his or her hands -- after being directed to do so

For Pre-employment Tests, the Following Are NOT Refusals

1. Failure to appear for the test
2. Failure to remain at the site prior to the commencement of the test
3. Failure to provide a specimen before the test commences

### III. TESTS REQUIRED (DOT PANEL)

#### A. Pre-employment or Transfer testing

1. Any applicant offered a safety sensitive position or an employee transferring to a safety sensitive position must first take a pre-employment drug test. This applicant or employee must receive a verified negative test result before performing any safety sensitive function. Details of pre-employment testing and exemptions can be found in 49 CFR Part 382.301.
2. City of Paola must request alcohol and controlled substances information from previous employers in accordance with the requirements of 49 CFR Parts 40 382.413 and 391.23 (e).
3. Applicants offered a safety sensitive position and employees transferring to a safety sensitive position must sign release of information forms allowing City of Paola to receive alcohol and controlled substances information from previous employers.

#### B. Post-accident testing

1. As soon as practicable following an accident the driver of a commercial motor vehicle, operating on a public road in commerce, must be tested for alcohol and controlled substances under certain conditions.
  - a. Alcohol testing must be conducted if a driver receives a citation for a moving violation within 8 hours of the accident.
  - b. Drug testing must be conducted if a driver receives a citation for a moving violation within 32 hours of the accident.
2. The driver who is subject to post-accident testing shall remain readily available for such testing (meaning that the employer knows the location of the driver). If employee leaves the scene of the accident prior to submission to such test, employee may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The following chart defines when an accident has occurred and when testing must take place.

<u>Type of accident involved</u>	<u>Citation issued to the CMV driver</u>	<u>Tests required</u>
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Details of post-accident testing and exemptions can be found in 49 CFR Part 382.303.

#### Random testing

All drivers that perform safety sensitive functions are subject to random drug and alcohol testing.

1. Random testing will be unannounced and unpredictable; spread reasonably throughout the calendar year. Testing will be conducted at all times of the day when safety sensitive functions are performed.
2. Employees are required to proceed immediately to the collection site once notified of testing.
3. Drug tests will be conducted anytime a safety sensitive employee is on duty. Alcohol tests will only be conducted on an employee immediately before performing, while performing, or just after performing a safety sensitive function.
4. The list of employees selected will be retained by the DER in a secure location.

Details of the random testing process can be found in 49 CFR Part 382.305.

#### C. Reasonable suspicion testing

All drivers that perform safety sensitive functions are subject to reasonable suspicion alcohol and/or drug testing. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. A trained supervisor must make the determination to test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse

Details of the reasonable suspicion testing process can be found in 49 CFR Part 382.307.

#### D. Return-to-duty testing

Details of the return-to-duty testing process can be found in 49 CFR Part 40, Subpart O.

#### E. Follow-up testing

Details of the follow-up testing process can be found in 49 CFR Part 40, Subpart O.

#### IV. HANDLING OF TEST RESULTS, CONFIDENTIALITY

##### A. Access to records

1. Except as required by law or expressly authorized by release by an employee, City of Paola will not release driver information that is contained in records required to be maintained under 49 CFR Parts 40 and 382.
2. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
3. A driver's testing records will be made available to a subsequent employer upon receipt of a written request from the driver.
4. City of Paola may disclose information required to be maintained pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test result), (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver).

#### V. CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

##### A. Use of drivers who fail or refuse a drug test

1. General. Compliance with this drug testing policy is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing safety sensitive functions. Additional disciplinary action up to and including termination may result.
2. Prohibitions On Use. City of Paola will remove from performing a safety sensitive function any employee who:
  - a. Fails a drug test as verified by the Medical Review Officer (MRO), or
  - b. Refuses to take a drug test required by this policy. (See Section II.C.)
3. Required Referrals and Evaluation. Any applicant or employee who fails or refuses a drug test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. An employee may be given an opportunity to retain his or her employment, provided they first do the following:
  - a. Have been evaluated by a SAP, and
  - b. Have completed the recommended evaluation/rehabilitation program successfully, and
  - c. Receive a verified negative test result on a return-to-duty test

##### B. Retesting of Drug Positive Samples

1. General. An applicant/employee may request a retest of a positive sample, within 72 hours of notification of the positive test result from the MRO. The request may be verbal or in writing to the MRO.
2. Retest Provisions. The retest will be conducted at a different SAMHSA certified laboratory. The test will be conducted on the split sample that was provided by the applicant/employee at the same time as the original sample. All costs for such testing are to be reimbursed to City of Paola by the applicant/employee unless the result of the split sample test invalidates the result of the original test. The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40.
3. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

C. Use of drivers who fail or refuse an alcohol test

1. General. Compliance with this alcohol testing policy is a condition of employment. Refusal to take a required alcohol test or failure of an alcohol test will result in removal from performing safety sensitive functions. Additional disciplinary action up to and including termination may result.
2. Refusal and Prohibited Conduct. City of Paola will remove from performing a safety sensitive function any employee who:
  - a. Has a confirmed alcohol test result of 0.02 or higher but less than 0.04. This driver must be removed from duty for a minimum of 24 hours. This is not a positive test requiring a SAP referral
  - b. Fails an alcohol test with a confirmed result of 0.04 or higher, or
  - c. Refuses to take an alcohol test required by this policy (See Section II.C.)
3. Required Referrals and Evaluation. Any employee who fails or refuses an alcohol test will be referred to a Substance Abuse Professional (SAP) for evaluation and treatment.
4. An employee may be given an opportunity to retain his or her employment, provided they first do the following:
  - a. Have been evaluated by a SAP, and
  - b. Have completed the recommended evaluation/rehabilitation program successfully, and
  - c. Receive a verified negative test result on a return-to-duty test

D. All costs associated with the evaluation and rehabilitation program are the responsibility of the employee.

E. Employees should consult their health insurance policy for extent of nervous, mental and substance abuse coverage.

F. A second positive test whether drug or alcohol or the equivalent will result in immediate termination of employment.

G. Additional Requirements

City of Paola may impose such additional disciplinary actions as they deem appropriate. This may include removal from performing covered functions, suspension (with or without pay), and even termination.

## APPENDIX A

### ALCOHOL AND CONTROLLED SUBSTANCES USE SUPPLEMENT

A. Why you should get involved:

1. Although City of Paola has no history of substance abuse problems, we recognize that substance abuse, alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your co-workers are using drugs or alcohol on the job.
  - a. Your health and safety may be at risk.
  - b. Substance abuse and alcohol misuse costs you money.
  - c. Substance abuse and alcohol misuse creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job costs society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.9 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who use drugs and/or misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any misuse puts you, this company, and the public at risk.
7. Workers who use alcohol and other drugs affect everyone. Studies show that compared to alcohol and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
8. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image means that workplace substance abuse can further cut profits and competitiveness.
9. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
10. If taking drugs and drinking affects your work life, it could lead to job loss and all the financial problems that would follow.

B. Effects on an individual's health, work, and personal life:

Alcohol

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with being drunk, but also adversely affects your judgment, ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
2. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

Marijuana

1. Marijuana is a central nervous system depressant. It causes a feeling of euphoria, increased sense of well-being, lack of motivation, lowered inhibitions, talkativeness, dry mouth and throat, increased appetite, impaired coordination, concentration and memory, and increased heart rate.
2. Long term use may result in deteriorating work performance, "burn out" involving muddled thinking, acute frustration, depression, and isolation, impaired sexual development and fertility, including production of abnormal sperm and menstrual irregularities, damage to the lungs and pulmonary system, hallucinations and paranoia, increased risk to safety and health as a result of impaired judgment and motor abilities.
3. Prolonged use of marijuana often results in psychological dependence for the user. Moreover, marijuana is considered a "gateway" drug. Casual users of marijuana often become chronic users, or become abusers of "harder" drugs.

Cocaine

1. Cocaine is a central nervous system stimulant. It causes brief but intense feelings of euphoria and competence, increases pulse, blood pressure, body temperature, and respiratory rate. It dilates the pupils of the eyes, causes extreme excitability and anxiety, and produces sleeplessness and chronic fatigue.
2. Long-term use results in bleeding and other damage to nasal passages, paranoid psychosis, hallucinations, and other mental abnormalities. Use causes impaired driving ability and death caused by heart or respiratory failure.
3. Cocaine users often become psychologically and physically dependent on the drug after relatively short periods of use. In many cases, crack cocaine use leads to virtual immediate addiction.

Amphetamines/Methamphetamines

1. Amphetamine is a central nervous system stimulant. It causes feelings of alertness and euphoria, increases heart rate and blood pressure. It dilates the pupils of the eyes, decreases appetite, enables the user to go without sleep for relatively long periods of time, and causes distorted thinking.
2. Use causes dizziness, headaches, blurred vision, sweating, loss of coordination, tremors, convulsions, physical collapse, anorexia and malnutrition resulting from decreased appetite. It causes sudden blood pressure increases from injections resulting in fever, stroke, or heart failure, nervousness, irritability, drastic mood swings, hallucinations, paranoia, physical collapse, and brain deterioration; overdose or continued heavy use can be fatal.
3. Amphetamines are addictive both physically and psychologically. Following the use of amphetamines, many users experience a "crash" which is often counteracted by taking more of the drug, creating an increasingly difficult pattern to break.

## Opioids

1. Opioids are central nervous system depressants. The physical effects of opiates depend on the opioid used, the dose, and how the drug is taken. Effects may include: short lived state of euphoria, followed by drowsiness, slowed heart rate, breathing, and brain activity, depressed appetite, thirst, reflexes, and sexual desire, and increased tolerance for pain.
2. The most common dangers associated with opioid misuse are: AIDS, blood poisoning, and hepatitis as the result of drug injection and use of un-sterilized or "shared" needles, death resulting from the injection of impure heroin, death resulting from an unexpectedly high purity of the drug, convulsions, coma, or death from overdose.
3. Opioids, particularly heroin, have an unusually high potential for abuse and addiction. Heroin addiction often leads to malnutrition, infection and unattended injuries and diseases. Addicts tend to continue using the drug despite damaging physical and psychological consequences.

## Phencyclidine (PCP)

1. PCP is a central nervous system stimulant. The physical effects of PCP include: altered states of consciousness, disorientation, confusion, and memory loss; highly unpredictable, and sometimes bizarre or even violent behavior; extreme agitation; impaired driving ability and increased tolerance to pain.
2. The most common dangers of PCP use are mental changes resembling schizophrenia, severe depression, and loss of learning abilities and violent and other "intoxicated": behaviors resulting in bodily harm or death.
3. Physical dependence on PCP has been documented and may be accompanied by memory loss, violence, weight loss, and paranoia. Symptoms of withdrawal include headaches, intense cravings for the drug, increased need for sleep, and "flashbacks" for a period of years.

## C. Signs and symptoms of alcohol misuse - Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking
- Job or financial difficulties related to drinking
- Loss of a consistent ability to control drinking
- "Blackouts" or the inability to remember what happened while drinking
- Distressing physical and/or psychological reactions if you try to stop drinking
- A need to drink increasing amounts of alcohol to get the desired effect
- Marked changes in behavior or personality when drinking
- Getting drunk frequently
- Injuring yourself - or someone else while intoxicated
- Breaking the law while intoxicated
- Starting the day with a drink



D. Signs and symptoms of substance abuse - Any one or more of the following signs may indicate an abuse problem:

- Poor physical coordination/slow reactions and slurred speech
- The odor of marijuana smoke in the area
- Hand tremors or unsteady walking
- Dilated or constricted pupils
- Disorientation/unusual restlessness
- Combative behavior, loud arguing or fighting
- The presence of drug paraphernalia and/or observing the employee ingest, inject, smoke, or inhale (snort) a prohibited substance
- Work performance problems, including a deterioration in quality and/or quantity of work
- Problems with attendance such as tardiness and increasing absenteeism
- Increased accidents and injuries
- Poor judgment and difficulty in concentration
- Personality changes, including aggressiveness, mood changes, fearful or paranoid behavior
- Negligence in personal hygiene or pale or sickly complexion
- Social withdrawal, including isolation, overreaction to criticism, and lack of eye contact
- Emotional changes such as noticeable signs of anxiety or depression, paranoia, or excessive laughing

E. Available methods of evaluating and resolving problems associated with the misuse of drugs or alcohol:

1. Outpatient programs exist in a variety of settings:

- a. Community mental health centers
- b. Full service agencies
- c. Private physicians' and therapists' offices
- d. Occupational settings
- e. Specialized alcoholism treatment facilities

2. Inpatient services, designed for those with more serious problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

F. Where to find help for you or a co-worker:

- Employee Assistance Program (Your employee assistance program (EAP) provider)  
1-800-999-1196
- Al-Anon / Al-Ateen  
1-800-356-9996
- Narcotics Anonymous  
1-818-773-9999

City of Paola  
PO Box 409  
Paola, Kansas 66071

## **APPENDIX B**

### **City of Paola**

#### **DRUG AND ALCOHOL TESTING PROGRAM PERSONNEL AND SERVICES**

#### **1. DESIGNATED EMPLOYER REPRESENTATION (DER)**

##### **Primary Contact**

Human Resources Director  
PO Box 409  
Paola, Kansas 66071  
(913) 259-3600

#### **2. LOCAL COLLECTION SITE**

Concentra Urgent Care - Rogers Rd  
15430 S Rogers Rd  
Olathe, KS 66062  
913-495-9905

In most instances the ComplianceOne mobile collector can do your collections on site. However, a local collection site has been set up for use when the on-site collector is unavailable.

#### **3. MEDICAL REVIEW OFFICER (MRO)**

Industrial Medical Testing  
118 8<sup>th</sup> Avenue W, Suite 328  
Palmetto, FL 34221  
Local: 941-753-9199  
Toll Free: 1-888-808-4MRO (4676)

#### **4. CERTIFIED LABORATORY**

Clinical Reference Laboratory  
8433 Quivira  
Lenexa, KS 66215  
Toll-Free: 1-800-445-6917

#### **5. EMPLOYEE ASSISTANCE PROGRAM (EAP) REFERRAL FOR SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Employee Assistance / SAP Referral  
Local 1-785-575-9343  
Toll-Free: 1-800-999-1196

## **CITY OF PAOLA**

### **DRUG AND ALCOHOL TESTING PROGRAM PERSONNEL AND SERVICES**

#### **1. DRUG PROGRAM MANAGER**

##### **Primary Contact**

Human Resources Director  
PO Box 409  
Paola, Kansas 66071  
913-259-3600

##### **Secondary Contact**

City Clerk  
PO Box 409  
Paola, KS 66071  
913-259-3600

#### **2. LOCAL COLLECTION SITE**

Miami County Health Department  
1201 Lakemary Dr  
Paola, Kansas 66071  
913-294-2431

In most instances the Consortium mobile on-site collector can perform the collections. However, a local site is also available in circumstances where the on-site collector is unavailable.

#### **3. MEDICAL REVIEW OFFICER (MRO)**

This service provided by the Consortium or it's designee.

#### **4. NATIONAL INSTITUTE ON DRUG ABUSE (NIDA) LABORATORY**

This service provided by the Consortium or it's designee.

#### **5. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

SupportLine  
112 SW 6th Ave, Suite 400  
Topeka, Kansas 66603  
Local 234-1077  
Toll Free 1-800-999-1196

## CITY OF PAOLA

### APPLICANT DRUG TESTING CONSENT AGREEMENT

The City is committed to ensure a safe, drug and alcohol free workplace for all City employees and the general public. As a public employer, the City has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug and alcohol use is one such condition.

As a prerequisite to employment in a safety sensitive position, I hereby agree to undergo drug testing to determine the presence of illegal drugs and/or alcohol in my body. Further, I give my consent to release my test results to authorized City Human Resources Director for appropriate review, and authorize the City to use the test results as a defense to any legal action to which I am party.

I understand that the results of the drug test, if confirmed positive, will result in the offer of employment withdrawn by the City and disqualification from employment. I also understand that if I refuse to consent, I will be removed from further consideration of employment.

Further, I understand that if employed by the City, I must abide by the terms of the City's Drug Free Workplace Policy and may be required to submit to testing for the presence of illegal drugs or alcohol. I understand that submission to such testing is a condition of employment with the Company, and disciplinary action, up to and including discharge, may result if (1) I refuse to consent to such testing; (2) I refuse to execute all forms of consent and releases of Liability as are usually and reasonably attendant to such examination; (3) I refuse to authorize release of the test results to the Company (if the tests establish a violation of the Company's Drug Free Work Place Policy); or (4) I otherwise violate the policy.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Applicant Printed Name

\_\_\_\_\_  
City of Paola Representative Signature

\_\_\_\_\_  
City of Paola Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CITY OF PAOLA

**REASONABLE SUSPICION REPORT FORM**

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_ Social Security Number \_\_\_\_\_

Date Behavior Observed: \_\_\_\_\_ (Month/Day/Year)

Time Observed: From \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Location where employee was observed: \_\_\_\_\_

Behavior Observed: (Check all items that apply)

Speech: Normal \_\_\_\_\_ Incoherent \_\_\_\_\_ Confused \_\_\_\_\_ Slurred \_\_\_\_\_

Whispering \_\_\_\_\_ Silent \_\_\_\_\_ Loud \_\_\_\_\_ Rapid \_\_\_\_\_ Cursing \_\_\_\_\_

Balance: Normal \_\_\_\_\_ Staggering \_\_\_\_\_ Swaying \_\_\_\_\_ Falling \_\_\_\_\_

Eyes: Normal \_\_\_\_\_ Reddened (bloodshot) \_\_\_\_\_ Pupils Dilated \_\_\_\_\_

Pupils Constricted \_\_\_\_\_

Walking and Turning: Normal \_\_\_\_\_ Stumbling \_\_\_\_\_

Arms raised for Balance \_\_\_\_\_ Reaching for Support \_\_\_\_\_

Lack of Coordination \_\_\_\_\_

Awareness: Normal \_\_\_\_\_ Confused \_\_\_\_\_ Sleepy \_\_\_\_\_ Paranoid \_\_\_\_\_

Comments of employee (please quote remarks, admissions, etc.) which are pertinent; such as swearing, cursing: \_\_\_\_\_

Other observed actions or behavior (i.e., odors, vomiting, coughing, gagging, crying, etc.): \_\_\_\_\_

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

This report must be prepared every time an employee is suspected of drug or alcohol use by actions, appearance, or conduct while on duty. This form must be completed within 24 hours or before test results are released.

**CITY OF PAOLA**

**MANDATORY REFERRAL AND  
RELEASE OF INFORMATION**

As an employee of the City, I understand that I have been referred to the City Employee Assistance Program (EAP). I understand that I must:

- { } Contact the Substance Abuse Professional within 48 hours of time designated below.
- { } Provide a drug test specimen.
- { } Submit to a breath alcohol test.

A signed copy of this waiver will be presented to the drug/alcohol consortium as notification that I am a referral from City of Paola. This form will serve as notice that information may be released to the City Manager or his/her designee of City of Paola. Only information regarding my notification of the SAP, confirmation of a face-to-face assessment; confirmation of admittance, including date and estimated length of stay, to an appropriate treatment program; confirmation of attendance at all scheduled treatment appointments; and successful completion of the treatment program or drug and/or alcohol test results may be released to the City Manager or his/her designee.

I understand that if I do not follow the directions checked above and provide confirmation of attendance and completion that I may be subject to disciplinary action, up to and including termination of employment with the City.

Likewise, I understand that if I am required to submit to a drug and/or alcohol test and fail to do so that I may be subject to disciplinary action, up to and including termination of employment with the City.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Employee Social Security Number

\_\_\_\_\_  
Referring Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CITY OF PAOLA**

**DRIVER PROGRAM PARTICIPATION VERIFICATION AND RELEASE FORM**

Under C.F.R. 49 Part 382.413, employers may obtain from previous employers, pursuant to a driver's consent, any of the information concerning the driver, which is maintained under C.F.R. 49 Part 382.401(b)(1)(i) through (iii) by the driver's previous employers.

Employer Name: \_\_\_\_\_

Location: \_\_\_\_\_

(street)

(city)

(state)

(zip)

I, \_\_\_\_\_, hereby authorize the testing program named herein to release pertinent information regarding drug and alcohol tests performed on myself for an employer and /or the FHWA.

Driver's Signature: \_\_\_\_\_

**DRUG AND ALCOHOL TESTING PROGRAM:**

Name: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Location: \_\_\_\_\_  
(street) (city) (state) (zip)

Contact: \_\_\_\_\_  
Name (print) Title

The above named driver: ☐ participates ☐ does not participate,  
in the above named program.

Dates of participation: From \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

Has the driver ever refused a drug or alcohol test: ☐ Yes ☐ No

This driver: ☐ is ☐ or is not ☐ qualified to drive a commercial motor vehicle.

**COMPLETE TEST RESULT INFORMATION BELOW: (Begin with the most recent test.)**

Date of Test: ____/____/____ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ____/____/____ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ____/____/____ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ____/____/____ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug
Date of Test: ____/____/____ (month) (day) (year)	Result of Test: <input type="checkbox"/> negative <input type="checkbox"/> positive
	Type of Test: <input type="checkbox"/> alcohol <input type="checkbox"/> drug

Verified by: \_\_\_\_\_  
(name) (title) (date)

## AUTHORIZATION FORM FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Instructions: All of the Blocks 1 - 7 must be completed. If any block is *not* completed then this Authorization Form will be considered incomplete and defective and cannot be used.

### Block 1: Identification of Patient

PATIENT NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

PATIENT ADDRESS: \_\_\_\_\_

SOCIAL SECURITY NUMBER or OTHER IDENTIFIER: (e.g. patient acct # of DL #)

**Block 2: Type of Records / Information to be Disclosed:** CHECK ONLY ONE OF THE FOLLOWING BOXES (A or B). If neither box is checked or if both boxes are checked then this form will be considered defective and cannot be used. IF YOU WANT BOTH TYPES OF RECORDS DISCLOSED YOU MUST USE TWO SEPARATE FORMS - One for Each Purpose.

☐ A. Records *except* for Psychotherapy Notes

☐ B. Psychotherapy Notes only.

DESCRIBE WHAT SPECIFIC RECORDS MAY BE DISCLOSED (*examples*: All records, X-Rays only, records for last 12 months) &/OR CHECK ALL THAT APPLY: ☐ All Records\* ☐ alcohol/ drug evaluation/ treatment ☐ HIV/ Aids Status ☐ Pharmacy

LIST TREATMENT DATES IF KNOWN:

\* All includes inpatient/outpatient records, medical, dental, psychiatric, alcohol/chemical/substance abuse, HIV/Aids, pharmaceutical, hospital or physician records, office notes, narrative summaries, telephone messages, correspondence to/from/about me, diagnostic testing results, bills, statements & invoices whether or not you created those records as long as the records are in your control or possession.

**Block 3: Persons, facility, or class of persons who are authorized to disclose (provide) the records/information:**

**Block 4: Persons, facility, or class of persons who are authorized to receive the records/information:**

\_\_\_\_\_

**Block 5: Expiration:** This Authorization will expire on \_\_\_\_ or on the following specific event:

**Block 6: Purpose for which you want records/information disclosed:** (*check one box*) ☐ At request of individual OR ☐ Other: (*state reason* \_\_\_\_\_)

**Block 7: Authorizing Signature - I authorize the disclosure of the records/information described and**

I understand that if the person or entity that receives the described records/information is not subject to federal privacy regulations or other laws, the records/information may be re-disclosed and no longer protected by those regulations.

I also understand that certain records may be protected by federal or state law, including HIV, psychiatric or mental health treatment, alcohol/drug treatment or communicable diseases, and I am requesting that any and all such protected records be released under this authorization.

I also understand that I may revoke this authorization at any time by delivering a *written* revocation to: \_\_\_\_\_ and provider.

If I revoke this authorization it will have *no* effect on actions already taken on reliance on this form. I know I may refuse to sign this form and that my treatment or payment for my treatment will not be affected if I do not sign this form unless my treatment includes research or the reason for my treatment is to disclose information to another.

I have read and understand this form. I am the patient listed or am authorized to act on behalf of the patient as the patient's personal representative. I also permit disclosure of the records upon presentation of a photocopy of this form.

I permit the disclosure of the records to any expert witness for review in the litigation referenced in block 6.

The undersigned authorizes you and your employees to speak with \_\_\_\_\_ regarding the care and treatment rendered to \_\_\_\_\_ for the above.



\_\_\_\_\_  
Signature of Patient or Patient's Personal Representative

\_\_\_\_\_  
Date of Signature

Personal Representative's Relationship / Capacity to Patient:

Printed Name of Personal Representative:

Address & telephone number of Personal Representative:

NOTE: If a Health Care Provider seeks an authorization from an individual for use or disclosure of protected health information, the Health Care Provider must provide a copy of this signed authorization to the individual.

STATE OF \_\_\_\_\_ )

) ss:

COUNTY OF \_\_\_\_\_ )

Now on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, came on before me \_\_\_\_\_, who is personally known to me to be the same person who executed the foregoing Medical Authorization and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires:

\_\_\_\_\_

**Prohibition on Disclosure.** This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42 CFR Part 2) prohibit you from making any further disclosure of this information except with the specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information if held by another party is NOT sufficient for this purpose. Federal Regulations state that any person who violates any provision of this law shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

I agree to be bound by the Restricted Disclosure Requirement of the Federal Government as outlined above.

\_\_\_\_\_  
Signature of Person to Whom Records Are Disclosed

## CITY OF PAOLA

### **EMPLOYEE ACKNOWLEDGMENT OF DRUG FREE WORKPLACE POLICY**

By signing below, I acknowledge receipt of my copy of the City's Drug Free Workplace Policy and Employee Assistance Policy. I have read and understand its contents, and I understand that I am responsible for knowledge of all content of this policy and that failure to comply with these policies and rules may result in disciplinary action, up to and including termination. I also understand and acknowledge that I have been given the opportunity to ask any questions that I have about the contents of this policy and have had those questions answered.

I understand that the City reserves the right to change, interpret, withdraw or add to this policy at its discretion and without prior notice or consideration to any employee. None of the City's policies, benefits or terms and conditions of employment has been or is required to be approved by any employee or employee group.

I agree that I will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or drug paraphernalia or abusive use of legal drugs, alcohol or other intoxicating substances while on duty or in any manner that may impair performance of my job duties.

I agree and understand that employees in safety sensitive positions may be required to undergo a drug and/or alcohol screen based upon reasonable suspicion. Employees required to undergo a drug and/or alcohol screen will be informed prior to the drug/alcohol screen and may be referred to an education and treatment program depending on the results of the drug/alcohol screen.

I agree to abide by all provisions of the City's Drug Free Workplace Policy and Employee Assistance Policy as a condition of my continued employment with the City.

**Do not sign your name on this receipt until you have completely read and understand the City's Drug Free Workplace Policy and Employee Assistance Policy and have satisfied yourself with answers to any questions you may have concerning it.**

**I CERTIFY THAT I AM ABOVE THE AGE OF EIGHTEEN (18) YEARS OF AGE AND I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THE DRUG-FREE WORKPLACE POLICY AND EMPLOYEE ASSISTANCE POLICY ADOPTED BY THE CITY.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
City of Paola Representative Signature

\_\_\_\_\_  
City of Paola Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## CITY OF PAOLA

### EMPLOYEE ACKNOWLEDGMENT OF EMPLOYEE HANDBOOK

By signing below, I acknowledge receipt of my copy of the City Employee Handbook. I have read and understand its contents. I understand that I am responsible for knowledge of all content of this Employee Handbook and that failure to comply with the policies and rules set forth in this Employee Handbook may result in disciplinary action, up to and including termination. I understand the Employee Handbook applies to my employment by the City. I understand that the City reserves the right to change, interpret, withdraw, or add to any of the policies, benefits, or terms of this Employee Handbook at its discretion and without prior notice or consideration to any employee. None of the policies, benefits, or terms and conditions of employment has been or is required to be approved by any employee or employee group.

I acknowledge that my employment with the City is "at-will," meaning that the terms of employment may be changed with or without notice and/or with or without cause, including, but not limited to, termination, demotion, promotion, transfer, compensation, benefits, duties and location of work. There is no agreement expressed or implied between the City and me for continuing or long-term employment. Furthermore, I understand that nothing contained in the Employment Handbook is an express or implied contract of employment. While supervisors have certain hiring authority, no supervisor representative of the City has any authority to alter the at-will relationship.

I further acknowledge my understanding that, on occasion, I may be asked to work overtime, in excess of forty hours per week. I further acknowledge that the City may provide compensatory time off in lieu of overtime pay unless otherwise I state my objection to the City.

I have received the Handbook and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand and acknowledge that I have been given the opportunity to ask any questions that I have about the contents of the Employee Handbook and have had those questions answered.

**Do not sign your name on this receipt until you have completely read and understand the contents of the Handbook and have satisfied yourself with answers to any questions you may have concerning it.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

After signing, please return this Employee Acknowledgement of Employee Handbook to the City Clerk.

