



CITY OF MISSION, KANSAS
FINANCE & ADMINISTRATION COMMITTEE

WEDNESDAY, DECEMBER 8, 2021 at 7:30 p.m.
(or immediately following 6:30 p.m. Community Development Committee)
POWELL COMMUNITY CENTER
6200 MARTWAY

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913-676-8350, with any questions or concerns.

PUBLIC HEARINGS / PUBLIC COMMENTS

PUBLIC PRESENTATIONS / INFORMATIONAL ONLY

1. Public Hearing – 2021 Budget Amendment – Brian Scott ([page 5](#))

The Kansas Budget Law requires that taxing entities adopting an annual budget do so with a maximum expenditure authority for each fund included in the budget. Sometimes events occur during the course of the budget year that were not anticipated when the budget was adopted which necessitates amending the budget to increase expenditure authority. A public hearing must be held prior to a resolution being adopted to amend the budget. A public hearing will be held at the Regular City Council Meeting on Wednesday, December 15th at 7:00 p.m. for the purpose of taking comment on the proposed amendment to the 2021 budget to increase expenditure authority for the Special Parks and Recreation Fund, Storm Water Utility Fund, Equipment Replacement Fund, and the American Rescue Plan Act (ARPA) Fund.

ACTION ITEMS

2. Acceptance of the November 3, 2021 Finance & Administration Committee Minutes - Audrey McClanahan ([page 9](#))

Draft minutes of the November 3, 2021 Finance and Administration Committee meeting are included for review and acceptance.

3. 2022 Legislative Priorities - Laura Smith/Stuart Little ([page 16](#))

Each year the City prepares a Legislative Program which outlines priorities and areas of interest or concern to be communicated to our state legislators at the outset of the legislative session. The attached program represents the recommended 2022 Legislative Priorities for review and approval.

4. Addition of Juneteenth Holiday – Laura Smith/Emily Randel ([page 59](#))

On June 17, 2021, President Joe Biden signed a bill designating Juneteenth as a federal holiday to be observed on June 19. This marked the creation of the 12th federal holiday—the first since Martin Luther King Jr. Day was established in 1983. The City observes a number of, but not all federal holidays. Observing the Juneteenth holiday communicates to the community and the employees that Mission recognizes and values the meaning of this significant date in our nation’s history. Staff is recommending the holiday be added to the existing paid holidays, which currently total twelve (12) for full-time employees.

5. Personnel Policies and Guidelines Update - Emily Randel ([page 61](#))

The City conducts an annual review and update of its Personnel Policy and Guidelines to insure compliance with current practices and state and federal laws and organizational values and objectives. This item details and outlines the proposed changes to become effective January 1, 2022.

6. Ordinance Designating Common Consumption Area – Emily Randel ([page 194](#))

State Law allows for the creation of a Common Consumption Area to permit the possession and consumption of alcoholic liquor, specifically during a civic or special event and for use on sidewalk cafes and patios. Staff is recommending approval of an ordinance to establish a Common Consumption Area in Mission’s Downtown Area between Roeland Drive to Lamar Avenue and authorizing the possession and consumption of alcoholic liquor within its boundaries. Following the passage of the ordinance the City would apply to the State of Kansas Alcohol Beverage Commission for a Common Consumption Area Permit.

7. Board and Commission Liaisons – Laura Smith ([page 211](#))

In April 2019, City Council Policy 130 was approved, creating the liaison positions to the City’s various board and commissions and outlining roles and responsibilities. Liaison positions were to be updated in December of odd-numbered years. In addition to reconsideration of the appointments by the Mayor, the policy required revision due to the elimination of the CIP Committee. In addition to removing the reference to the CIP Committee, staff is also recommending appointments to the Mission Magazine editorial board and the Family Adoption Committee be added to the policy. Appointments are anticipated to be made/updated at the December 15, 2021 City Council meeting.

8. Property and Casualty Insurance Renewal - Brian Scott ([page 217](#))

The City maintains several lines of insurance coverage including property, inland marine, automobile, crime, and general liability with the intent of reducing the City's exposure to risk and protecting assets. Staff is recommending that the City obtain these from Travelers Insurance company for the policy period of January 1, 2022 through December 31, 2022 at an estimated total annual premium not to exceed \$142,604.

9. KERIT Workers' Compensation Insurance Renewal - Brian Scott ([page 244](#))

The City has been a member of the Kansas Eastern Regional Insurance Trust (KERIT), a workers' compensation pool, since 2009. The Trust comprises eighteen member cities and counties. Workers' compensation premiums are based on the City's annual payroll, the level of exposure to risk that certain jobs may entail, and an experience modifier that reflects past claims. The 2022 premium for workers' compensation coverage has been estimated at \$144,416.

10. 2022 Special Alcohol Tax Fund Allocations - Brian Scott ([page 247](#))

State statutes provide that a third of the alcohol tax funds allocated to cities be placed in a Special Alcohol Tax Fund to support programs whose principal purpose is alcoholism and drug abuse prevention or treatment. The 2022 Alcohol Tax funds allocated to Mission are estimated to be \$90,000. The Drug and Alcoholism Council (DAC), a program supported by the United Community Services of Johnson County, offers grants each year to various organizations within the county that provide alcohol and drug abuse prevention and treatment programs. Staff recommends that \$50,000 of the City's Special Alcohol Tax Fund be placed with the DAC to support the programs detailed in the attached report.

11. 2022 Budget Ordinance - Laura Smith ([page 271](#))

As one of the final steps in the annual budget process, the City takes formal action to adopt the 2022 Budget by ordinance. There are no changes proposed to the 2022 Budget adopted by the City Council in August.

12. Ordinance Directing City Administrator to Spend According to Budget - Laura Smith ([page 273](#))

As part of the annual budget process, the City Council takes formal action to authorize the City Administrator to spend according to the 2022 adopted budget.

13. 2022 Cereal Malt Beverage (CMB) License Renewals - Audrey McClanahan ([page 275](#))

City ordinance and Kansas statutes require that any person wishing to sell any cereal malt beverage/enhanced cereal malt beverage (CMB) at retail must obtain an annual license for each place of business.

14. Update of Bank Signatories – Brian Scott ([page 276](#))

The City has a primary checking account with the bank from which all payments are drawn. The Mayor and the Deputy City Administrator/Finance Director are the two signatory names on the account. With the recent election and installation of a new Mayor, the signatory information with the bank needs to be updated. The attached resolution will express the City's desire to formally authorize changes to the signatories on the checking account with Security Bank of Kansas City.

DISCUSSION ITEMS

15. COVID-19 Vaccine and Testing Program – Laura Smith - ([No attachments](#))

Staff will present and review recommendations related to incentivizing COVID-19 vaccines for City staff to help increase workplace safety and the health of our employees. Additional materials will be uploaded to the packet prior to the Committee meeting.

OTHER

16. Department Updates – Laura Smith

Debbie Kring, Chairperson
Kristin Inman, Vice-Chairperson
Mission City Hall, 6090 Woodson St
913.676.8350

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Amendment to the 2021 Budget

RECOMMENDATION: Approve the resolution to amend the maximum expenditure authority for the Special Parks and Recreation Fund, Storm Water Utility Fund, Equipment Replacement Fund, and the American Rescue Plan Act Fund in the City of Mission's 2021 Budget.

DETAILS: The adopted annual budget establishes the maximum expenditure authority for each fund or taxing authority for that fiscal year. Exceeding these expenditures without formally amending the budget is a violation of Kansas budget statutes. Furthermore, state laws require that a public hearing be held when amending the adopted budget. A public hearing has been scheduled for the City Council meeting on December 15th, and the attached notice was published in *The Legal Record* on November 30, 2021.

The budget amendment is not the result of unanticipated or unauthorized expenditures, but rather results from events that occur during the fiscal year that were not anticipated at the time the budget was adopted.

Expenditures have increased in the Special Parks and Recreation Fund because of a lease-purchase agreement that the City entered into earlier this summer for the purchase of fitness equipment at the Community Center. For accounting purposes, the proceeds and expenses from the lease-purchase are recognized in this fund, thus necessitating the need to increase the budget authority of this fund.

The Rock Creek channel repair between Nall Avenue and Roeland Drive was not completed until spring of 2021 and final payment made in early summer. Because the project extended beyond the 2020 budget year when it was begun and originally fully funded, expenditure authority in budget year 2021 needs to be increased to cover the final expenditures for this project, which were paid from the proceeds of bonds issued in 2020.

Proceeds from the sale of City vehicles are deposited in the Equipment Reserve and Replacement Fund to be used for future vehicle purchases. Revenues from the sale of City vehicles was greater than anticipated in 2020. This, in combination with a healthy fund balance, provided an opportunity to purchase a backhoe for the Public Works Department in 2021 instead of 2020. This purchase necessitates the need to increase the expenditure authority for this fund for 2021

Related Statute/City Ordinance:	K.S.A. 79-2929a(a)
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	1.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

The American Rescue Plan Act (ARPA) was signed into law shortly after President Biden took office in January of 2021. This legislation directs nearly \$1.9 trillion to local governments throughout the United States to assist in recovery efforts from the COVID-19 pandemic. The City of Mission received an allocation of approximately \$1.5 million of ARPA funds from the Federal government. The City intends to use these funds to replace revenues lost revenue because of the pandemic.

Mission's ARPA funds are distributed in two tranches. The first was received in July 2021, and the second will follow in approximately one years. The funds were deposited in a newly created ARPA Fund until final accounting can be completed, and funds transferred to the General Fund or spent on something else. Creating the fund requires establishing budget expenditure authority.

The budget amendment is approved through the attached resolution and will increase the expenditure authority in the 2021 Budget only for those funds detailed in the Action Item summary.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	K.S.A. 79-2929a(a)
Line Item Code/Description:	NA
Available Budget:	NA

CITY OF MISSION

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MISSION, KANSAS AMENDING THE MAXIMUM EXPENDITURE AUTHORITY FOR THE 2021 BUDGET FOR THE SPECIAL PARKS AND RECREATION FUND, STORM WATER UTILITY FUND, EQUIPMENT RESERVE AND REPLACEMENT FUND, AND THE AMERICAN RESCUE PLAN ACT (ARPA) FUND.

WHEREAS, because the state requires annual budgets be finalized months in advance of the start of the fiscal year making revenues and expenditures difficult to anticipate at the time the original budget is adopted; and

WHEREAS, the proposed amendments are not the result of any unexpected or unauthorized expenditures, and expenditures will not exceed revenues; and

WHEREAS, in accordance with state law, the City of Mission conducted a public hearing and has prepared the necessary documents to amend the 2021 Budget to increase expenditure limits in the Special Parks and Recreation Fund, Storm Water Utility Fund, Equipment Replacement Fund and the American Rescue Plan Act Fund.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION:

Section 1. That the maximum expenditure authority in the 2021 Budget for the following funds has been established as:

Special Parks and Recreation Fund:	\$ 242,967
Storm Water Utility Fund:	\$ 4,331,941
Equipment Reserve and Replacement Fund:	\$ 318,313
American Rescue Plan Act Fund:	\$ 756,255

PASSED AND APPROVED BY THE CITY COUNCIL this 15th day of December 2021.

APPROVED BY THE MAYOR this 15th day of December 2021.

Solana Flora, Mayor

ATTEST:

Audrey M. McClanahan,
City Clerk

**Notice of Budget Hearing for Amending the
2021 Budget**

The governing body of

City of Mission

will meet on the day of December 15, 2021 at 7:00 P.M. at Powell Community Center - 6200 Martway Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Clerk Office, Mission City Hall, 6090 Woodson and will be available at this hearing.

Summary of Amendments

Fund	2021 Adopted Budget			2021 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
			0	0
Special Parks & Recreation			87,655	242,967
Storm Water Utility			3,299,575	4,331,941
Equipment Replacement			170,000	318,313
ARPA Fund			0	756,255
			0	0

Brian Scott

Official Title: Deputy City Admin/Finance Dir.

City of Mission	Item Number:	2.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Audrey McClanahan

Action items require a vote to recommend the item to full City Council for further action.

RE: November 3, 2021 Finance & Administration Committee Minutes.

RECOMMENDATION: Review and accept the November 3, 2021 minutes of the Finance & Administration Committee.

DETAILS: Minutes of the November 3, 2021 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE

November 3, 2021

The Mission Finance & Administration Committee met at the Powell Community Center and virtually via ZOOM on Wednesday, November 3, 2021. The following Committee members were present: Sollie Flora, Ken Davis, Arcie Rothrock, Trent Boultinghouse, Debbie Kring and Kristin Inman. Mayor Appletoft was also in attendance. Councilmembers Schlossmacher and Thomas were absent. Councilmember Kring called the meeting to order at 7:12 p.m.

The following staff were present: City Administrator Laura Smith, Deputy City Administrator Brian Scott, City Clerk Audrey McClanahan, Assistant City Administrator Emily Randel, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks & Recreation Director Penn Almoney and Deputy Chief Kirk Lane.

Public Comments

Councilmember Kring reminded the public they can participate via the chat feature on Zoom. All comments would be visible to the group.

There were no public comments.

Public Presentations

2020 Audit - SAS Letter

Mr. Scott reported that with the year coming to an end, it was time to complete the 2021 fiscal audit which begins with a pre-audit communication with elected officials and management. The auditors will be conducting fieldwork in December and completing the audit in February. He introduced Emily Sheldon from BT&Co., P.A. Ms. Sheldon explained that as part of the audit planning process, they will schedule a meeting either in person or by phone with the Mayor to discuss the Council's oversight of the effectiveness of internal control, any areas of concern that they need to be aware of when planning the audit or any concerns about fraud. If any issues were to arise or any instances of non-compliance with laws, regulations that come to their attention, any disagreements with management or any serious difficulties encountered in performing the audit at the conclusion of the audit, the Company will issue a letter to the City Council that communicates certain matters that are significant and relevant in the financial reporting process.

Ms. Sheldon then discussed the policies and procedures that are in place to ensure that BT&Co. remain independent in the audit services that are provided. This includes policies that address financial interests, business and family relationships, and non-audit services that may be thought to bear on independence. Next, she explained the audit processes, starting with obtaining and understanding the City's internal controls. This is utilized to understand and identify certain risks in the city's operations and to tailor the audit approach. BT&Co. applies the concept of materiality both in planning and performing the audit, evaluating the effect of identified misstatements on the

audit, and the effect of uncorrected misstatements, if any, on the financial statements, and in forming the opinion in the report. Finally, with the conclusion of the audit, they will provide to the Council a report of any adjustments that were made as a result of the audit, as well as in the uncorrected misstatements that were noted that were not required to be recorded. While their audit will include obtaining an understanding of internal control it is not designed to provide any assurances regarding the effectiveness of established internal controls.

Acceptance of the October 6, 2021
Finance and Administration Committee Minutes

Minutes of the October 6, 2021 Finance and Administration Committee Meetings were provided to the Committee. There being no objections or corrections, the minutes were accepted as presented.

DTI Contract Renewal

Mr. Scott explained that since 2011, the City has maintained an agreement with Johnson County to provide information technology (IT) services and support for the various City departments. The partnership provides Mission with cost-competitive access to the County's specialized IT staff. IT services include application and data management support; network monitoring, security, and support; help desk; and general IT project support. The 2021 agreement was for \$59,562. The 2022 agreement is \$64,720.25, a 9% increase. The cost is broken out between the Police Department, which has some unique IT needs, and the rest of the City.

This year Johnson County Department of Technology and Innovation (DTI) assisted the police department with implementation of their new video system and deployment of laptop computers for the new patrol cars. They are currently assisting with deployment of the Microsoft Office upgrade and new computers purchases for city departments. The 2022 budget includes a total of \$100,000 for Computer Services. This budget typically covers both technical support and software/hardware upgrades that may be necessary, as well as other computer related services beyond what the County provides. The total estimated costs are within established budget parameters.

Staff recommended renewal of the agreement with Johnson County for IT Services through December 31, 2022 in an amount of \$64,720.25. Staff will continue to research and explore options for providing this service.

Councilmember Davis recommended the Interlocal Agreement for IT Services with Johnson County through December 31, 2022 in an amount not to exceed \$64,720.25 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Human Service Fund Allocation

Ms. Scott reported that United Community Services of Johnson County (UCS) is an independent, non-profit corporation charged with coordinating and supporting various initiatives and programs that provide for the human service needs of Johnson County residents. One of these programs is the Human Service Fund, which provides a cost-efficient and accountable mechanism for local governments in Johnson County to support a number of services that help residents facing difficult circumstances.

The Human Service Fund awards competitive grants to non-profit agencies to assist with the operation of human service safety net programs that meet the needs of Johnson County residents who live with income at or near the federal poverty level. Components of the safety net programs that are supported by the Human Service Fund include; 1) basic needs, 2) work and income supports, and 3) health, wellness and personal safety. Some of these agencies work closely with the Mission Police Department in supporting the residents that the Department may serve.

Last year the Human Service Fund allocated \$371,776 to 15 separate agencies in Johnson County, representing a commitment of 14 participating cities and the County. The City of Mission's contribution was \$8,300. This year, the UCS Board is recommending a total allocation of \$437,830. This is an increase of \$66,054 or 18%. The City of Mission's contribution in 2022 would be \$10,000, or a 20% increase over 2021. This amount was included in the adopted 2022 budget. Approval by the Council would simply affirm the recommended agencies and amounts to be received by each. The City of Mission's contribution would be distributed proportionately among all the programs/agencies identified, unless directed otherwise by the Council.

Councilmember Davis recommended the 2022 UCS Human Service Fund allocation in the amount of \$10,000 be forwarded to Council for approval. All on the Committee agreed, this will be on the consent agenda.

Discussion Items

Project Status Update

Ms. Smith presented third quarter project status updates for the Administration, Public Works and Parks + Recreation departments. The reports provide current information on projects and programs planned or budgeted for 2021 as well as new projects or issues that have been identified and require significant staff and/or Council resources to address. Ms. Smith highlighted several projects, and referred Council and the public to the full report for additional information. Projects and issues highlighted were as follows:

Completed Projects

- **Rock Creek Channel Improvements:** GBA has applied for the Letter of Map Revision (LOMR) and is working on responding to a first round of comments from FEMA. Final costs

were certified to the County for the Roeland Court Townhome special assessments along with the 2022 Budget.

Ongoing Projects

- **Comprehensive Plan:** The Tomorrow Together Steering Committee has been working the past few months toward completing the update of the City’s comprehensive land use plan. A proposed future land use map has been developed as well as a future strategic opportunities map. There will be a joint work session of the City Council and Planning Commission on Wednesday, November 10 to review an initial draft of the plan, review the work to date and discuss proposed recommendations. An open house is scheduled for Tuesday, November 16 to receive comments and input from the public on the proposed update.
- **Direction Finder Survey:** Since the August update, there was confirmation that the survey results indicated residents’ willingness to support an increased investment in street maintenance were valid, with the street sales tax being renewed in September 2021 with 77.15% voter approval.
- **Building Permitting and Code Enforcement Software:** Nine proposals were received for the permitting software RFP and four firms were selected for demonstrations.
- **Municipal Court Software:** A contract for Software as a Service (SaaS) has been negotiated with Tyler Technologies and implementation will begin after the first of the year.
- **Facility Conservation Improvement Program (FCIP):** Veregy (formerly the CTS Group) completed improvements with immediate energy savings by installing door and window weatherization in City Hall, Public Works and the PCC. Also, destratification fan installation began in the PCC gymnasiums.
 - The City issued General Obligation Bonds, Series 2021A on October 20 to finance the FCIP improvements. The bonds were designated as “green bonds” in the offering process based on the environmental benefits to be derived through the project. Based on the competitive offering and positive response, the City was able to reduce the par amount of the bonds by \$195,000 at the time of acceptance.
- **Branding and Communications:** Largest body of work since the 2Q update was the “Paving the Way” campaign for the street sales tax renewal. Other notable projects include: PCC email journey template and ad for Mission Magazine, activity guide cover, and PR materials for the Mission Family Picnic and Holiday Family Adoption Program.
- **Increased Tree Maintenance Budget:** Mission residents, Parks + Recreation orders along with Mission Market site tree additions helped Mission not only reach the goal of 70 trees planted, during Mission’s 70th Anniversary, but surpass it to 85 trees.
- **Park Conceptual Master Planning:** The Land and Water Conservation Grant committee awarded Mission the full grant request of \$394,560.00.
- **Street Asset Inventory/Street Maintenance Program:** Construction of the 2021 Street Preservation Projects is complete, except for sod and site restoration and punch list items.
- **Stormwater Asset Inventory:** Staff is still waiting for SMAC to complete the Watershed Master Plans and will schedule a stormwater discussion at a future Council committee meeting. Staff is evaluating proposed costs for inspecting the remainder of the stormwater assets that were previously inspected in 2009.

- **Mission Bowl:** Demolition of the former Mission Bowl has been completed, and debris is being sorted and hauled away for recycling. This is part of the LEED certification process for the new building.
- **COVID-19 Housing Relief Fund:** Through October 31, 2021, Catholic Charities has provided \$5,046.74 in the rent/mortgage assistance program.

Ongoing Projects/Issues

- **Classification/Compensation Updates:** Staff re-evaluated the phased implementation strategy and executed the full market adjustment October 1, 2021. Employees have been appreciative of the support of the Council through this process.
- **Johnson Drive Reconfiguration:** Olsson is currently working on submittal of preliminary plans and staff is working with Roeland Park on the proposed sidewalks on the west side of Roe.
- **Street Sales Tax Renewal:** The street sales tax was renewed at the increased rate of 3/8-percent by 77.15% of voters participating in the mail ballot election. Voter turnout was 23.97%. The sales tax will tax effect on April 1, 2022 and sunset on March 31, 2032.
- **COVID-19:** A return to masks while inside City facilities, regardless of vaccination status, was reinstated to help protect the health of our employees and the public we serve.
- **Racial Equity Conversations/Review of PD Policies and Procedures:** Two cohort meetings have been held, the first on September 29 and the second on October 20. Meeting summaries for each of the first two session were included as a part of the status update packet.
- **Climate Action Plan:** The City Council approved a Resolution endorsing the KC Regional Climate Action Plan, recognizing its goal of a Net-Zero metropolitan region by 2050, and committing to review and implement, as appropriate, the solutions and strategies included in the plan.
- **Mission Market:** The Mission Market ended at the end of August with a season average of 18 vendors, topping 2020's average of nine vendors during the height of the pandemic and 14 vendors in 2019.
- **Community Center Feasibility Study:** Staff created an RFP for the Community Center Feasibility Study and will be released the first week of November.

Projects that are planned, but not started, include the Greenhouse Gas Inventory Update which remains a priority for the Sustainability Commission. Also, the financial management software was delayed due to COVID-19. Staff will begin working on an RFP in winter of 2022. Staff will also need to begin working on updating the chart of accounts, active vendor list, financial policies, and other matters to align with an implementation sometime in late summer of 2022.

Councilmember Inman and Ms. Smith confirmed that there is a diverse population represented in the UCS' REIC cohort groups. Councilmember Davis commented that it would be beneficial to have more explanation surrounding the social analytics to aid the Council in determining effectiveness and impact. Councilmember Flora commented that the Sustainability Commission is eager to get involved with the Climate Action Plan and help anyway possible.

OTHER

Department Updates

Councilmember Kring announced that Rushton Elementary will have their Fall Festival on Friday, November 5. Also, the Mission Community Food Pantry will be held once in November on the 11th at Trinity Lutheran Church.

Lastly, Councilmember Kring announced that she, along with Deputy City Administrator Brian Scott, are participating on the Rushton Rebuild Committee. The Committee will be meeting weekly through mid-December to discuss concepts to be incorporated in the design process. She thanked the Mayor for being instrumental in progressing this project forward.

Ms. Smith added that the “Thanks for Seniors” event is on Thursday, November 18. Holiday Lights and Festive Sights will be moving back to the Mission Market site on Friday, December, 3. Gearing up for the holiday season, there will also be the Mission Business District Sip & Shop on Saturday, November 13.

Councilmember Davis thanked staff for the Mission Family Picnic which he commented was an excellent event. Ms. Smith replied that Wald and Company have been wonderful to work with, on the fireworks, and they will continue to hold the City’s inventory until they can be used at a future event.

Meeting Close

There being no further business to come before the Committee, the meeting of the Finance and Administration Committee adjourned at 8:48 p.m.

Respectfully submitted,

Audrey M. McClanahan
City Clerk

City of Mission	Item Number:	3.
ACTION ITEM SUMMARY	Date:	December 8, 2021
ADMINISTRATION	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: 2022 Legislative Priorities

RECOMMENDATION: Approve the 2022 Legislative Priorities for the City of Mission.

DETAILS: Each year the City prepares a Legislative Program which outlines priorities and areas of interest or concern to be communicated to our state legislators at the outset of the legislative session.

The City Administrator and Mayor-elect drafted and reviewed the 2022 Proposed Legislative Priorities with input from Stuart Little and Mallory Lutz with Little Government Relations (LGR), the City's legislative advocates.

Consistent with previous year's programs, the 2022 Legislative Priorities have been developed from the League of Kansas Municipalities annual Statement of Municipal Policy, Mission's previous program, and with guidance from LGR on issues of potential interest or concern for Mission in the upcoming legislative session.

The attached Recommended 2022 Legislative Priorities are presented for Council consideration. Red-lined and clean copies are included in the packet for your information and reference. Once adopted, they will be forwarded to Mission's legislative representatives.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



202~~1~~2 Legislative Priorities

6090 Woodson
Mission, Kansas 66202
Phone: (913) 676-8350
Fax: (913) 722-1415
www.missionks.org

December 202~~0~~1



December 1~~5~~6, 202~~0~~1

Dear Reader:

The Governing Body of the City of Mission annually adopts a state legislative platform to present Mission's legislative initiatives and policy positions.

The cornerstone of the legislative program is the belief that the governing of public affairs should be as close to the people as possible. Supporting activities that promote and encourage the exercise of authority and responsibility by locally elected officials is a top priority of the City of Mission. This belief is exemplified in local home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state over half a century ago.

Generally, and when not inconsistent with Mission's stated priorities, we ~~the City of Mission~~ supports the Statement of Municipal Policy of the League of Kansas Municipalities, and the legislative agenda of Johnson County, Kansas. The City Council works cooperatively each year with the League and other cities to enhance the mutual benefits for ~~of~~ Kansas cities.

If you have any questions concerning the 202~~1~~2 Legislative Program, please, do not hesitate to contact me or other members of the City Council.

Sincerely,

Sollie Flora Ren Appletoft
Mayor

Governing Body

Mayor

Sollie Flora Ren
~~Appletoft~~

Ward I

Trent Boultinghouse
Hillary Parker Thomas

Ward II

Lea Loudon Nick
~~Schlossmacher~~
Vacant~~Arcie Rothrock~~

Ward III

Kristin Inman
Debbie Kring

Ward IV

Ken Davis
Ben Chociejski~~Sollie Flora~~



2021~~2~~ Legislative Priorities

State and municipal governments work together to provide citizens with many services they require and have come to expect. This partnership is dependent upon stable funding, decision-making at the appropriate level, and removing barriers to efficient and effective access to services. The City of Mission understands our citizens' needs and is equipped to respond to them effectively and efficiently. While we respect the State government's role, we continue to advocate for the protection of home rule authority to ensure citizens' needs are met. We support the preservation of local authority, maintenance of local control of local revenue and spending, and oppose the devolution of State duties to local units of government without planning, time and resources. The City of Mission has established the following as our legislative priorities for the upcoming session and advocates in the interests of our elected representatives and on behalf of those who live and work in our community.

Finance and Taxation

Alternative Property Valuation

The City supports appraisals based on fair market value as historically used in Kansas and opposes caps in property valuations as unconstitutional and inequitable.

~~Internet Sales Tax Collections~~

~~The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a fair and viable revenue source. Mission supports any state legislation that assists in collecting state and local sales and compensating use taxes due from in-state purchasers, to include short-term rental companies. Remitted taxes should be distributed using existing methods/formulas for the state and local governments. Mission further supports the adoption of the safe harbor provisions based on the U.S. Supreme Court decision in South Dakota v. Wayfair, Inc. et al., 138 S. Ct. 2080 (2018) in order to bring tax fairness to Kansas brick-and-mortar businesses.~~

~~Repeal the Property Tax Lid and~~ Maintain Local Control Over Revenue and Spending

The City of Mission opposes actions by the state to impose constitutional or statutory limits on the authority of local governments to establish appropriate levels of taxation. Discretion and flexibility are important components of responsible and effective fiscal management, ensuring that local elected leaders can respond appropriately to the priorities of their constituents. We oppose ~~A~~arbitrary caps on taxing and spending limits that ~~restricts~~ that ability. ~~Any additional~~ Transparency measures should not be burdensome or costly.

Tax Policy

The City supports stable revenues, and urges the Legislature to avoid applying any further limitations to the ad valorem property tax base, including exceptions for specific business entities or the state/local sales tax base, as well as industry-specific, special tax treatment through exemptions or property classification. We do not support changes in State taxation policy that would narrow the tax base, significantly reduce available funding for key programs, or put Kansas counties and cities at a competitive sales tax disadvantage with Missouri. We do not support a sales tax on professional services.

Kansas should have a broad sales tax on all goods and services. Cities should be able to impose voter-approved local sales taxes. We support the state's thoughtful consideration of reductions in sales tax on food and pharmaceuticals, while balancing the impact on, and obligations of, local units of government across the state. Changes to tax policies should not be undertaken without a full understanding of the overall impact upon all taxpayers, taxing entities, and the sources and amounts of tax revenues to be generated or eliminated by such policy changes. Sales tax exemptions should be limited to those for which the benefit outweighs the tax dollars lost and should not undermine local control.

Retain the Local Government Sales Tax Exemption

Mission supports the current law that exempts local government and public construction projects from sales tax. Imposing sales tax on current government purchases and projects will have only one effect: increased local taxation. Only the State government benefits from this sales tax and our citizens would pay the bill through higher property taxes.

Support Maintenance of State Funding

The issue of maintaining local government revenues is a prime concern for Mission. State transfers to local government have significantly been reduced or eliminated over the last ten to fifteen years. Mission urges for the preservation of local government revenues which pass through the State's treasury. These funds come from a longstanding partnership between local governments and the State and are generated via economic activity at the local level. Both alcoholic liquor tax funds and the local portion of motor fuel tax are critical to local service delivery with uses limited to appropriate statutory purposes, and should not be withheld from local governments.

Government Policies and Procedures

Constitutional Home Rule

The City of Mission strongly oppose any alternations or limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution.

Redevelopment and Reinvestment in Cities

Mission supports current state statutes that provide the local jurisdiction with authority both in determining how and when to use existing economic development tools and in creating new incentive programs to meet community goals. These goals are identified and supported through land-use planning, infrastructure allocation, and financial incentive tools that local communities and stakeholders develop through ongoing communication and prioritization. Each economic development or redevelopment project is unique, and may not be possible without the availability of these tools or the authority to use them. Tools such as Tax Increment Financing (TIF), the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District Act and the Community Improvement District Act should be maintained with maximum flexibility and allow for efficient use by communities.

Open Records and Open Meetings

We believe that an open government is essential to building public confidence, and that all levels of government should be subject to the same open meeting and open records requirements. State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual citizens, the costs of producing requested records, and the ability of public agencies to conduct their essential business functions.

Protection of the First Amendment~~serve the Ability to Advocate and Educate~~

~~The right of the people through their democratically elected and appointed officials to petition and speak to their government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals. City supports local officials and their representatives' ability to freely participate in the legislative process to advocate and educate on issues affecting local governments. Representatives from cities provide facts and information crucial to intergovernmental relations, and as such, should have the same rights as private interest lobbyists. We should not be restricted on the use of public funds to accomplish this purpose. Local officials, representing their citizens and taxpayers, must retain the authority to make decisions regarding membership in organizations and to participate in the legislative process without cumbersome reporting requirements. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.~~

Maintain Non-Partisan Local Elections

The City supports local elections remaining separate from state and national elections. Additionally, we are opposed to any legislation that would require local elections to be conducted with partisan identification.

Restore Local Gun Control

The City of Mission supports the regulation of firearms and weapons at the state or local level, but we believe that local government should have the ability to regulate and enforce the

possession and use of weapons within city-owned facilities, including City Hall, public parks, the outdoor pool, community center and city vehicles. The City also supports the ability of local governments to set policies regarding the carrying of weapons and firearms by their employees while they are engaged in the course of their employment. Absent any return to local control, Mission supports state restoration of concealed carry training, permitting and background checks, to be required for any individual who desires to conceal a firearm on their person.

Education

K-12 Education Financing

~~As the State legislature continues to refine a funding formula,~~ Mission requests the State fund special education at the required statutory levels and we support a fair and equitable funding plan for public education that provides ~~for~~ the quality of education our residents expect.

Public Employees

Support Full Funding of the Kansas Public Employees Retirement System

The City supports achieving a fully-funded public employees' retirement system within a reasonable period of time. The State should fully fund its portion of the employer contributions at the Actuarial Required Contribution (ARC) levels and at the required times. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, particularly in competitive employment markets.

Environment and Energy

Alternative Energy Sources

As a traditional agricultural leader and a state with tremendous natural resources, Kansas is positioned to be a forerunner in renewable energy production. The City supports the use of alternative and renewable energy sources and encourages the Kansas Legislature to provide incentives for such energy sources that protect air quality and reduce dependence on oil. More specifically, the City supports policies which allow and encourage homeowners and businesses to utilize and invest in alternative energy rather than imposing fees or additional barriers which result in discouraging investment that can save residents and businesses money.

Energy Efficiency

Energy efficiency saves money, drives investment across all sectors of the economy, creates jobs, and reduces the environmental impact of energy use. Accordingly, the City supports public and private incentives to encourage energy efficiency by local governments and citizens.

Statewide Energy Policy/Plan

We support the development of a coordinated and comprehensive energy policy/plan, including the use of renewables, developed with strong input from cities. Further we support the

establishment of a statewide Energy Office to support the development and implementation of statewide energy policies. Further, we support creative and cooperative implementation of renewable energy and energy efficient technologies that are environmentally sustainable and economically successful.

Recognition of Financial Risks Posed by Climate Change

We recognize that climate change is an increasing threat to Kansans' health, safety and prosperity. The ongoing climate crisis poses a substantial financial risk to cities that demands coordinated action at all levels of government. Mission supports state investment in and commitment to decarbonize our electricity, transportation, agriculture and buildings sectors, so that Kansas can build community resilience and mitigate the financial impacts of climate change on cities

Innovative Green Technologies

The City would like to encourage the state to investigate and adopt innovative green technologies to drawdown greenhouse gas emissions and/or sequester carbon dioxide including for example carbon dioxide mineralized concrete and photocatalytic concrete technology.

Infrastructure

Comprehensive Transportation Plan

Mission supports full funding of the Eisenhower Legacy Transportation Program. We oppose any use of these funds to balance the state's General Fund budget, and any reduction in funding that jeopardizes existing programs.

Electric Charging Station Infrastructure

We support the expansion of electric charging station infrastructure throughout the state in order to increase the pace of electric vehicle adoption and positively impact local communities. WE support a change to allow sales of electricity at EV charging stations and for EV charging stations to not be classified as regulated utilities.

Transportation Maintenance and Funding.

Because transportation infrastructure is critical to state and local development activities, Mission supports the continued maintenance of the transportation infrastructure in Kansas. We further support continued funding for multimodal transportation networks, including for mass transit, biking and walking infrastructure.

Infrastructure Funding

The City of Mission supports increased federal and state funding to assist local communities with their transportation water, wastewater, and storm water, levee and dam- infrastructure and any associated security needs. We advocate for thoughtful, equitable distribution of federal infrastructure funds to cities as they become available to fund critical needs.

Stormwater Management

Mission endorses regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state

measures to incentivize and enable investment in green infrastructure (e.g. street trees, use of native plants) to support sustainable communities.

Building Codes

Mission opposes any measures to preempt local building energy codes with respect to prohibiting the incentivization or requirement of net zero or net zero-ready buildings.

Human Services

Investment in the Social Safety Net

The City supports restoring funding to social services programs that provide a safety net for the most vulnerable in our communities, including without limitation those focusing on promoting child welfare and mental health services. Continued support for these programs at the state level is imperative in order to keep our communities safe, productive, and vibrant, and can aid in preventing more substantial costs in the future.

Mental Health

Mental health is a critical component of the public safety and health of Mission's residents and all residents of the state of Kansas. Access to quality mental health services and an increasing need for these services is a growing concern of the City. The City supports increased funding for programs and services to provide enhanced training and support for police and fire departments; for public safety co-responder programs; to provide increased services to youth, for community mental health centers; and for state psychiatric hospitals. Mission advocates for the ability to establish public/private partnerships to increase provision of and access to mental health services and removing from the property tax lid the ability to fund mental health services and programs at the local level.

Medicaid Expansion

The City supports the expansion of Medicaid in Kansas. Accordingly, we anticipate that statewide expansion of Medicaid will assist uninsured city residents in obtaining needed medical insurance and services.

Housing Needs

Local officials, who are tasked with the responsibility to develop and maintain safe, sustainable cities and counties, should have the flexibility to address the need for affordable, varied types of housing as integral components of both their economic development and public safety duties.

Mission supports the continued funding and promotion of affordable housing options. Accessibility to such housing stock is important to job growth and economic success in communities.

In addition, we support giving cities the authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners, the repeal of 2016 legislation curtailing local control over inclusionary zoning policies and rental property licensing programs regulating interior inspections. ~~Local officials, who are tasked with the responsibility to develop and maintain safe, sustainable cities and counties, should have the~~

~~flexibility to address the need for affordable, varied types of housing as integral components of both their economic development and public safety duties.~~

Substance Abuse Prevention and Treatment

We support increased funding for proven state tobacco prevention programs to improve the State's "F" grade by the American Lung Association. We also support criminal justice reform measures targeted toward the treatment of drug use as a health issue, not a criminal one.

Other

Promotion of Equity and Equality

Mission supports comprehensive anti-discrimination legislation that offers protections to every person in the state of Kansas without regard to age, race, religion, color, sex, disability, national origin, ancestry, military status, sexual orientation or gender identity. We continue to support and encourage statewide efforts like the ~~formation of the~~ Governor's Commission on Racial Equity and Justice to help advance racial equity in our local communities.

Increase in Tobacco Sales Tax

With the Kansas cigarette sales tax rate well-below the national average, the City supports a statewide increase in the tobacco sales tax as a deterrent to tobacco use.

Legalization of Marijuana

The City supports legalization of marijuana in Kansas. At a minimum, the State should adopt legalization of medical marijuana which should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. ~~Each C~~city should have the ability to opt-in to allowing dispensaries in their ~~c~~City

~~Municipal Court~~

~~The City supports increased use of audio-visual technology to allow greater flexibility and access to the judicial system when the local jurisdiction is operating under a declared state of emergency or other situation which poses increased public health risks for patrons or staff.~~

Pandemic Response and Recovery

We support state policies and funding in response to the current pandemic and eventually recovery that effectively balance state and local relations in the best interest of protecting the public health, preserving community and promoting safe economic recovery and growth. Any changes to the Kansas Emergency Management Act should balance city and county authority and additionally should clarify enforcement and sanctions related to public health violations. Long-term federal and state assistance whether financial, resources, access to vaccination, recovery, and redevelopment should all be grounded through local government input and flexible to local government needs.



2022 Legislative Priorities

6090 Woodson
Mission, Kansas 66202
Phone: (913) 676-8350
Fax: (913) 722-1415
www.missionks.org

December 2021



December 15, 2021

Dear Reader:

The Governing Body of the City of Mission annually adopts a state legislative platform to present Mission's legislative initiatives and policy positions.

The cornerstone of the legislative program is the belief that the governing of public affairs should be as close to the people as possible. Supporting activities that promote and encourage the exercise of authority and responsibility by locally elected officials is a top priority of the City of Mission. This belief is exemplified in local home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state over half a century ago.

Generally, and when not inconsistent with Mission's stated priorities, we support the Statement of Municipal Policy of the League of Kansas Municipalities. The City Council works cooperatively each year with the League and other cities to enhance the mutual benefits for Kansas cities.

If you have any questions concerning the 2022 Legislative Program, please, do not hesitate to contact me or other members of the City Council.

Sincerely,

Sollie Flora
Mayor

Governing Body

Mayor
Sollie Flora

Ward I
Trent Boultinghouse
Hillary Parker Thomas

Ward II
Lea Loudon
Vacant

Ward III
Kristin Inman
Debbie Kring

Ward IV
Ken Davis
Ben Chociej



2022 Legislative Priorities

State and municipal governments work together to provide citizens with many services they require and have come to expect. This partnership is dependent upon stable funding, decision-making at the appropriate level, and removing barriers to efficient and effective access to services. The City of Mission understands our citizens' needs and is equipped to respond to them effectively and efficiently. While we respect the State government's role, we continue to advocate for the protection of home rule authority to ensure citizens' needs are met. We support the preservation of local authority, maintenance of local control of local revenue and spending, and oppose the devolution of State duties to local units of government without planning, time and resources. The City of Mission has established the following as our legislative priorities for the upcoming session and advocates in the interests of our elected representatives and on behalf of those who live and work in our community.

Finance and Taxation

Alternative Property Valuation

The City supports appraisals based on fair market value as historically used in Kansas and opposes caps in property valuations as unconstitutional and inequitable.

Maintain Local Control Over Revenue and Spending

The City of Mission opposes actions by the state to impose constitutional or statutory limits on the authority of local governments to establish appropriate levels of taxation. Discretion and flexibility are important components of responsible and effective fiscal management, ensuring that local elected leaders can respond appropriately to the priorities of their constituents. We oppose arbitrary caps on taxing and spending limits that restrict that ability. Transparency measures should not be burdensome or costly.

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the ability to establish public/private partnerships to increase provision of and access to mental health services and removing from the property tax lid the ability to fund mental health services and programs at the local level.

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2022 Statement of Municipal Policy

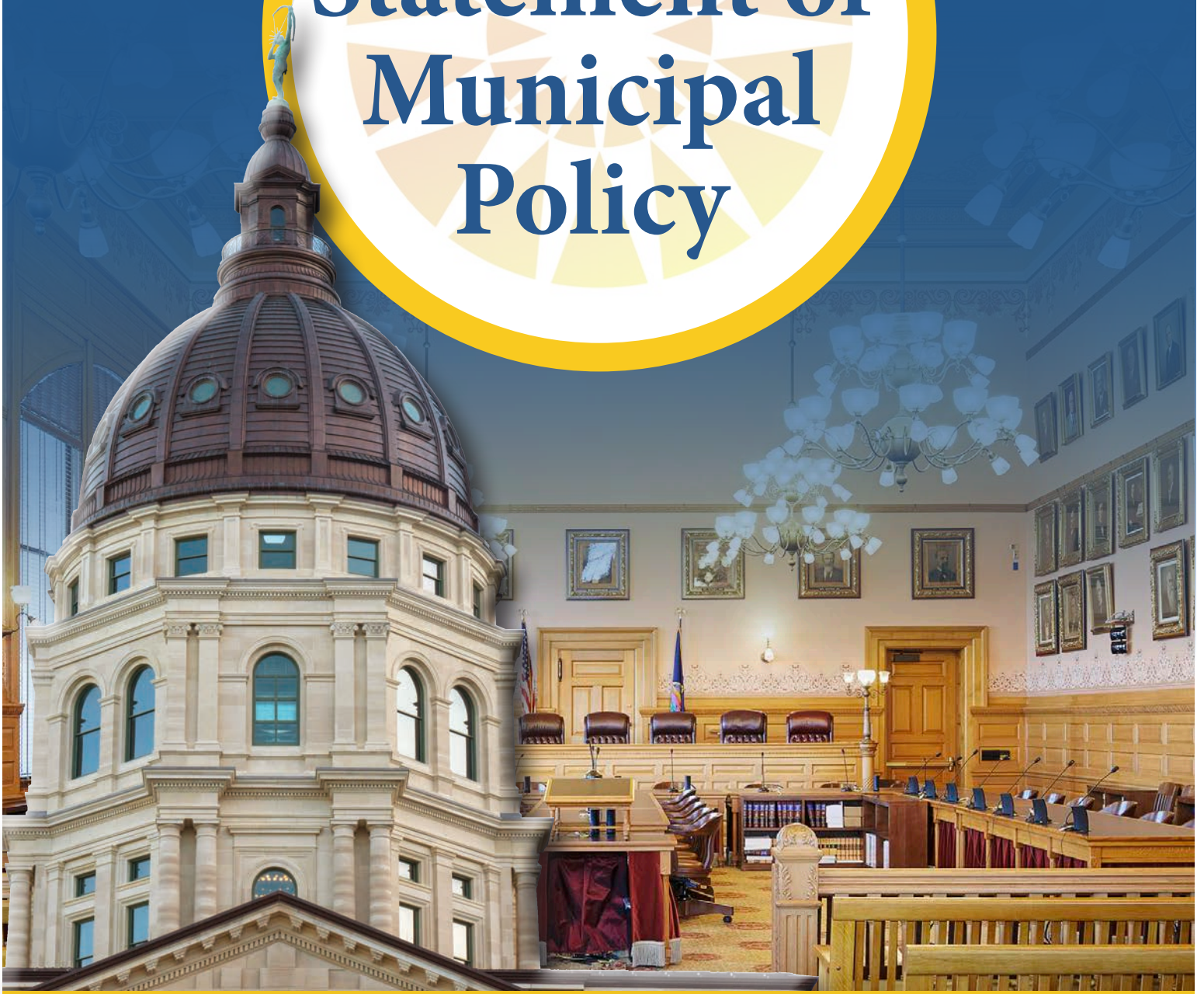


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Mission Statement

The mission of the League shall be to strengthen and advocate for the interests of the cities of Kansas to advance the general welfare and promote the quality of life of the people who live within our cities.

GOVERNING BODY



President
Jason Jones
Councilmember, Hesston



Vice President
David McDaniel
Mayor, Ellis

Immediate Past President

Sara Caylor, Mayor, Ottawa

Past Presidents

Mike Boehm, Mayor, Lenexa
Carl Gerlach, Mayor, Overland Park
Daron Hall, City Manager, Pittsburg
John McTaggart, Mayor, Edwardsville
Terry Somers, Mayor, Mount Hope

Directors

David Alvey, Mayor, Unified Government of
Wyandotte County/Kansas City
Thomas Brown, Mayor, McPherson
Roy Cessna, Mayor, Garden City
Michelle De La Isla, Mayor, Topeka
Mark Govea, Mayor, Osawatomie
Ty Lasher, City Manager, Bel Aire
Christy Pyatt, City Clerk, Greensburg
Troy Tabor, Council President, Andover
Toni Wheeler, City Attorney, Lawrence
Brandon Whipple, Mayor, Wichita
J. Michael Wilkes, City Manager, Olathe

Executive Director

Erik Sartorius

ABOUT THE LEAGUE

Supporting Kansas Cities



The League of Kansas Municipalities is a membership association that advocates on behalf of cities, offers training and guidance to city appointed and elected officials, and has a clear purpose of strengthening Kansas communities. Since 1910, the League has been a resource for cities across Kansas and has acted as a body to share ideas, facilitate communication between members and provide information on best practices in city operations.



LEGISLATIVE PRIORITIES

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 83% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our legislative priorities for 2022:



HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.

COUNTYWIDE SALES AND USE TAXES. Since 1977, Kansas has successfully used a city-county revenue sharing formula for the benefit of all. The existing formula benefits both city and county taxpayers and ensures there is a fair method to distribute funds that are generated primarily in cities.

GOVERNMENT COMPETITION. Local governments should continue to retain local control over the services that they provide to their residents and businesses. We recognize that free markets, under normal circumstances, are the best vehicle for allocating goods and services. However, there are circumstances where the free market either does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In such instances, it falls to government to respond to the will of the people to provide the good or service. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to allow those services at a low cost.

PROPERTY TAXES. We recognize in areas of the state there is a large reliance on property taxes to fund local and state government. All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be equally transparent, and have to abide by the same limitations, restrictions and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce reliance on property taxes.

UNIFORM TRAFFIC CODE. We support a comprehensive review and recodification of the Uniform Traffic Code.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

FINANCE & TAXATION

An adequate source of revenue is necessary to fund the essential services of city government. Each city is unique in both services provided and the ability to pay for such services; maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.

TAX/SPENDING LID. Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We strongly oppose any state-imposed limits on the taxing and spending authority of cities.

TAX POLICY. The League supports the long-established philosophy of balancing revenue from income, sales, and property taxes to assure the fiscal ability of the state and local governments to provide the services citizens want and need. Changes to tax policies should not be undertaken without a full understanding of the overall impact upon all taxpayers, taxing entities, and the sources and amounts of tax revenues to be generated or eliminated by such policy changes.

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PROPERTY TAX EXEMPTIONS. We support a broad tax base and believe the existing property tax base should be protected. We encourage the legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment and the exemption should not be expanded. The legislature should actively review existing exemptions to determine if they should continue or be repealed.

PROPERTY VALUATION. We support appraisals based on fair-market value as historically used in Kansas. We oppose caps in property valuations as unconstitutional and inequitable.

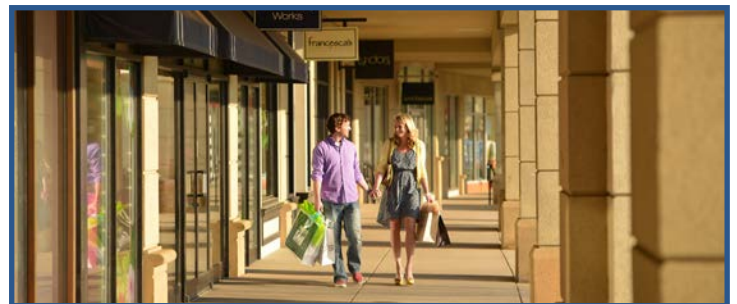
LAVTR. The state legislature, as required by Kansas statutes, should help to relieve the burden on property taxpayers by funding the Local Ad Valorem Tax Reduction (LAVTR) program.

TAXES PAID UNDER PROTEST. Due to the effect that taxes paid under protest and large property tax exemptions can have on cities, the state and the county where the city is located should be required to notify cities when taxes, including compensating use and ad valorem taxes, are paid under protest or a large tax exemption is filed so that cities have accurate data when making budgetary decisions.

MANDATORY SPENDING. We oppose any law that requires a city spend a certain threshold to receive and maintain state dollars. All spending decisions should remain at the local level.

COUNTYWIDE SALES AND USE TAXES. Since 1977, Kansas has successfully used a city-county revenue sharing formula for the benefit of all. The existing formula benefits both city and county taxpayers and ensures there is a fair method to distribute funds that are generated primarily in cities.

SALES TAX. Kansas should have a broad sales tax on all goods and services. Cities should be able to impose voter-approved local sales taxes. Sales tax exemptions should be limited to those for which the benefit outweighs the tax dollars lost.



ALTERNATIVE REVENUE SOURCES. Cities should be authorized to approve alternative revenue sources in order to maintain appropriate levels of funding for the health, safety and welfare of our citizens.

BUDGET TIMELINE. The current statutory framework for the adoption of municipal budgets makes it difficult for cities to plan for budgets that must be presented to governing bodies five months before the start of the fiscal year. We support legislation to allow the adoption of city budgets by November 30, while keeping the earlier statutory deadlines for certification of the amount of ad valorem tax revenue needed.

FINANCE POLICIES. Cities should be allowed to set financial policies in-line with bond rating requirements and other generally accepted best practices for municipal management.

EMS/HOSPITAL FUNDING. Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens. If the legislature fails to approve Medicaid Expansion, additional state funding needs to be made available to rural hospitals in order to retain businesses and their employees and sustain the health and lives of Kansans.

UNFUNDED MANDATES. We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

CITY AND COUNTY REVENUE SHARING. The State Legislature should fund existing city and county revenue sharing programs as required by Kansas statutes.

TELECOMMUNICATIONS TAXES. We support cities' continued ability to impose and collect taxes and fees on telecommunications providers.

FEDERAL LOAN PROGRAMS. We support changes to allow local governments to participate directly in federal loan programs.

BANKING AND INVESTMENT RESTRICTIONS. We support maximum banking and investment choices for local government. At a minimum, all cities, counties and school districts should have the same banking and investment authority the state has granted to itself.

LIBRARY FUNDING. We support Kansas statutes being modernized to reflect revenue neutral rate requirements when determining a public library's eligibility for state funding.



PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are costlier and less efficient, government at all levels should cooperate in the development of health and safety programs.

LAW ENFORCEMENT AND PUBLIC SAFETY. We believe cooperative efforts, rather than state and federal mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.

ASSET FORFEITURE. We support the use of asset forfeiture as an important component in reducing financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the sale of the same, should remain with the local government that seizes the property.

MUNICIPAL COURT. Municipal courts serve a vital role protecting an individual's right to equal protection under the law following arrest or detainment. We support the local control of, and judicial authority of, municipal courts. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, shall be retained by the local municipality. We support municipalities' ability to set appropriate fines and fees.

EMERGENCY 911 SERVICES. Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services. 911 funds should not be diverted by the legislature for other uses.

EMERGENCY MANAGEMENT. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state and local governments. Changes to the Emergency Management Act should consider the role of the city in responding to disasters.

MEDICAL CHARGES. The cost of health care services for prisoners and individuals in custody is a growing concern for cities. We strongly believe the first person responsible for the payment of medical costs should be the individuals in custody. Another needed change, to begin addressing these costs, is to clarify that the entity charging for a crime is responsible in the event those costs cannot be recovered. We support the pooling of resources between all state and local law enforcement agencies.

LAW ENFORCEMENT DISCRETION. We support local governments' discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

SERVICE ANIMAL FRAUD. We recognize the important role service animals play for the disabled community. The use of such animals is being tainted by service animal fraud. We support strengthening and redefining the crime of service animal fraud to disincentivize individuals from asserting their animal is a service animal in order avoid vicious animal, exotic, livestock, or breed-specific ordinances.





ALCOHOL & CMB REGULATION. We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

MEDICAL MARIJUANA. The legislature should carefully weigh the impact of medical marijuana on law enforcement and human resources. In addition, medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential grow operations of any sort. In addition, Kansas should delay implementation to give time to study any issues that might result from the passage of medical marijuana legislation.

FIREARMS AND WEAPONS. We support the local regulation of firearms and weapons.

HOMELAND SECURITY. First responders at the local level serve as the front-line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security.

REGULATION. Any regulation should balance the costs to the benefit of the regulation. Existing regulations that no longer pass this balancing test should be repealed.

CYBERSECURITY. Organizations of every size constantly face cyber-related incidents. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state government to determine best practices and policies for municipal implementation.

SCRAP METAL. Cities are currently preempted from regulating scrap metal. We support a narrowing of this preemption so that cities can address issues at the local level.

MENTAL HEALTH. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

EXPANDED GAMING. If the state legislature authorizes expanded gaming, cities should receive funds to offset the impact, similar to agreements for other gaming that occurs in Kansas.



INFRASTRUCTURE

Cities construct, manage, operate and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are all dependent on the ability of local officials to self-determine what's appropriate for their own communities. This self-governance relies on the expectation of cooperation from the state government and full funding as required by law under current statutory programs from both the state and federal government.

TRANSPORTATION

CONNECTING LINKS. The State should maintain KDOT's funding for connecting link programs at the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

CITY-COUNTY HIGHWAY FUND. The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i. The proceeds from any increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

COMPREHENSIVE TRANSPORTATION PROGRAM. We support full funding of the Eisenhower Legacy Transportation Program. We oppose any use of these funds to balance the State's General Fund budget. Any reduction in funding jeopardizes existing programs.

TRANSPORTATION SAFETY. The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas. The State should focus on all users of the transportation systems and recognize that a system that is designed for use by pedestrians, bicycles, and vehicles is safer and more economically prosperous for all Kansans.

TRANSPORTATION MAINTENANCE. Because transportation infrastructure is critical to state and local development activities, we support the continued maintenance of the transportation infrastructure in Kansas. We further support continued funding to support multimodal transportation networks, including for mass transit, biking, and walking infrastructure.

TRANSPORTATION DEVELOPMENT DISTRICTS. We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.

ELECTRIC CHARGING STATION INFRASTRUCTURE. We support the expansion of electric charging station infrastructure throughout the state in order to increase the pace of electric vehicle adoption and positively impact local communities.

AIRPORT FUNDING. We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.

RECREATIONAL TRAILS. We support the development of recreational trails, including rails to trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.

RAIL SERVICE. We support existing and enhanced passenger and freight rail service in Kansas and seek a strong partnership with the state and federal government to achieve meaningful improvements.

UNIFORM TRAFFIC CODE. We support a comprehensive review and recodification of the Uniform Traffic Code.



UTILITIES

BROADBAND. Access to reliable broadband service is increasingly important to the economic health of Kansas cities. We support the establishment of the Broadband Deployment Grant to facilitate broadband expansion in Kansas. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove important planning and right of way authority from local governments.

SERVICE TERRITORY. Municipalities must retain the authority to purchase, construct, or extend the infrastructure necessary to supply the cities and their inhabitants with public utilities, including electric services. We believe in the current statutory framework which allows cities' jurisdictional limits to change over time, due to the annexation of land, including land located within the service territory of another utility provider.

MUNICIPAL OPERATION. We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities, and support the current defined service territory statutes.

RIGHT OF FIRST REFUSAL. We support municipal utilities having the ability to invest in new electric/transmission projects in order to provide reliable, affordable service to local customers. We oppose efforts prohibiting competition for transmission projects in Kansas.

FRANCHISE AUTHORITY. We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.

MANDATES. We oppose unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities or other utility services. Any mandates passed down to cities should not be imposed without a cost-benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.

PUBLIC WATER SUPPLY SUPERVISION PROGRAM. We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal cost concerns and recognize the state has a responsibility to contribute to these important public health matters. In addition, we recognize a need to update standards to meet federal clean drinking water standards.

RIGHT-OF-WAY. Cities must maintain their ability to regulate the public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by overreaching federal mandates. We oppose efforts to codify, at the state level, federal directives limiting cities' powers.



ENERGY

ELECTRIC UTILITY DEREGULATION. Community-owned and operated municipal electric utilities make long-term power supply decisions and investments with the goal of benefiting their overall community. We support continued local control over power supply decisions.

STATEWIDE ENERGY POLICY. We support the development of a coordinated and comprehensive Energy Plan. Further, we support creative and cooperative implementation of renewable energy and energy efficient technologies that are environmentally sustainable and economically successful.

ENERGY EFFICIENCY. Energy efficiency saves money, drives investment across all sectors of the economy, creates jobs, and reduces the environmental impact of energy use. Accordingly, we support public and private incentives to encourage energy efficiency and renewable energy.

BUILDING CODES. We oppose any measures to preempt local building codes. Further, cities should continue to be allowed to shape local codes to incentivize net zero or net-zero ready building requirements.

PROPANE. We support cities' authority to protect public safety by regulating the capacity of propane units/facilities for residential or commercial purposes.

WATER AND ENVIRONMENT

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.

WATER QUANTITY. Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over-appropriated surface and groundwater resources while respecting priority of water rights. The water rights management tools that have been developed in recent years should be modified or expanded so that they provide the same type of flexibility and authority to any water rights holder regardless of class.

WATER PLANNING. We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.



INFRASTRUCTURE FUNDING. We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee and dam infrastructure and associated security needs. In addition, we call for loan terms of up to 40 years when the useable lifespan of an improvement will exceed the term of the loan.

STORMWATER MANAGEMENT. We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure (e.g., street trees, use of native plants, etc.) to support sustainable communities.

SOLID WASTE. The Home Rule powers of cities to dispose of and manage municipal solid waste should not be restricted. This includes local control and decision-making surrounding recycling and composting programs.

HAZARDOUS WASTE. We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.

CLEAN AIR. We support air quality controls and a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

WATER AND WASTEWATER CERTIFICATION. We support improved certification programs that better align the necessary skillsets for real world water and wastewater system operation with the content of the corresponding exams. We support review of water and wastewater certification to ensure validity and reliability. These certifications need to continue to be protective of the public health and environment. We encourage contracting and collaboration to help utilities acquire the knowledge, skills, abilities, and certifications needed to effectively and efficiently serve Kansas rate payers.



HUMAN RESOURCES

City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies to attract and maintain a high-quality public workforce.

WORKERS' COMPENSATION. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.

KPERS & KP&F. We support the full funding of the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fire (KP&F) retirement systems and honoring all commitments that have been made by KPERS and KP&F. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees, or reduce benefits promised to employees.

PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT (PEERA)/COLLECTIVE BARGAINING. We oppose any federal or state mandate requiring collective bargaining at the local level.

PERSONNEL MANDATES. We oppose state and federal mandates involving public personnel.

WEAPONS AND FIREARMS. We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while they are engaged in their work.

PREVAILING WAGE. We oppose federal and state mandates requiring or prohibiting the payment of prevailing wage.

HEALTH CARE & OTHER BENEFITS. We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

UNEMPLOYMENT. We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers, who are paid a nominal stipend, are considered a qualified individual. We support legislation to define "volunteer" in Kansas employment law such that it is consistent with federal law.

AMBULANCE ATTENDANTS. We support allowing non-certified attendants to drive ambulances for inter-facility patient transfers with one attendant providing patient care. These staff should be trained to operate emergency vehicles. We continue to support the use of certified attendants for emergency situations.



GOVERNMENT POLICIES & PROCEDURES

Abiding by the longstanding constitutional Home Rule authority of Kansas cities, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents. In an effort to construct appropriate policies for their community, such as economic and community development initiatives, cities should be committed to implementing procedures which ensure ethical and transparent governance from their officials.

HOME RULE. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected city officials making decisions for their communities, particularly local tax and revenue decisions.

GOVERNMENT COMPETITION. Local governments should continue to retain local control over the services that they provide to their residents and businesses. We recognize that free markets, under normal circumstances, are the best vehicle for allocating goods and services. However, there are circumstances where the free market either does not efficiently allocate goods and services, creates externalities that endanger public safety and welfare, or simply does not provide a service. In such instances, so it falls to government to respond to the will of the people to provide the good or service. In addition, local governments provide services for the sole benefit of their residents and should continue to receive tax benefits to allow those services at a low cost.

PROTECTION OF THE FIRST AMENDMENT. The right of the people through their democratically elected and appointed officials to petition and speak to their government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

POLICE POWERS. We support the authority of cities to regulate in order to protect the health, safety, and welfare of the public.

NON-DISCRIMINATION. We oppose any discrimination against persons, by reason of their race, religion, color, sex, disability, national origin, ancestry, sexual orientation, or gender identity.

CITY ELECTIONS. City elections should remain non-partisan and separate from state and national elections.

FILING FOR OFFICE. In order to encourage a higher number of candidates to file for office, we support the filing location for city elections being available in the city clerk's office. The state should evaluate remote filing options in the future.

FILLING OF VACANCIES. The current statutes for filling vacancies have served the state well for over fifty years. Vacancy filling should remain the responsibility of local governing bodies made up of duly elected officials.

ANNEXATION. The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we support local jurisdictions' ability to make their own decisions regarding orderly growth through annexation.

SIGN REGULATION. We support the authority of local government to regulate signs in compliance with federal law.

PUBLIC PROPERTY & RIGHTS-OF-WAY. We support the ability of cities to control and manage public property and rights-of-way and to impose franchise or use fees on those entities that utilize the rights-of-way.

EMINENT DOMAIN. Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

GOVERNMENTAL IMMUNITY. We support continued immunity for cities from tort liability and legislation strengthening the Kansas Torts Claims Act.

INTERLOCAL COOPERATION. We support the principle of voluntary cooperation among all levels of government.

CITY/COUNTY CONSOLIDATION. We support processes for local consolidation without undue statutory barriers. We further believe the issue of consolidation is an inherently local one and the voters should be allowed to determine whether consolidation with another unit of government occurs.

SUMMARY PUBLICATION OF RESOLUTIONS. We support legislation allowing cities to publish a summary of a resolution, with the full text of any resolution posted on the city's official website, in lieu of publication of the full resolution.

PRIVATE CEMETERY LIABILITY. We support legislation removing the requirement for cities to care for and maintain formerly private cemeteries that have been dissolved.

COMMUNITY DEVELOPMENT

HOUSING. The lack of quality housing across the state creates an impediment to growth and economic development. The League supports programs that encourage access to quality housing, including but not limited to, the recommendations of the State Housing Study.

ABANDONED AND BLIGHTED HOUSING. We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.

HOUSING-RENTAL INSPECTIONS. We support giving cities the authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners.

REVITALIZATION TOOLS. We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District Act and the Community Improvement District Act to promote local neighborhood development.

ECONOMIC DEVELOPMENT PARTNERSHIPS. State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

TAX ABATEMENTS. We support the authority of cities to offer tax abatements to encourage business investment in their communities.

TAX INCREMENT FINANCING (TIF). We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by communities.

STAR BONDS. We support the ability of cities to utilize STAR bonds to promote economic development in their communities.

LAND USE AND ZONING. We support the ability of local officials to make land use and zoning decisions within their community, including decisions about the location, placement, size, appearance and siting of transmission and receiving facilities and any other communications facilities.



The Effects of BLIGHTED PROPERTY

Abandoned and blighted property is not just a big-city issue. It is a statewide issue. This issue impacts public safety, the values of adjoining properties, and discourages improvements to adjoining property.



4+
years



The median length of time a property was reported as abandoned was **four years**. One-third of responding cities noted some of the properties had been **abandoned for 10 or more years**.*

89%

*of member cities identify abandoned or blighted property as a significant or very significant concern in their communities.**

Abandoned property affects the health, safety, and welfare of the entire community - taxpayers, property owners, and residents. Other concerns associated with abandoned property include **increased police calls** for theft, prowlers, drug issues, and squatting. Additionally, cities reported an **increase in fire calls** responding to accidental fires and arson.*



Code enforcement issues related to abandoned property include **overgrown vegetation, dilapidated structures, wildlife, illegal dumping, and additional demand for sanitation services**.* Abandoned properties have a strong potential to become dangerous structures as they continue to deteriorate.

Unpaid property taxes on abandoned properties **creates a higher tax burden** on others to provide necessary city services. As these properties fall further into disrepair, the neglect can cause a blighting effect and result in **loss of property values of surrounding properties**.*



Abandoned property and blight is a welcoming **environment for pests and vermin** as well as a potentially **dangerous nuisance** for a neighborhood.

* The League completed several member surveys about the impact of blighted and abandoned property. The median population of responding cities was 2,500.

TOURISM. We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry that is vital to growth and development all across the state.

TAX CREDITS. We support the continued availability of tax credits as a tool for economic development.

TRANSPARENCY IN GOVERNMENT

OPEN MEETINGS. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

OPEN RECORDS. All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access, with the necessity of protecting the privacy of individual citizens, and the ability of public agencies to conduct their essential business functions. We support a city's ability to recoup reasonable costs associated with open records requests.

INTERGOVERNMENTAL DIALOGUE. Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

BODY CAMERAS. We support the ability of local governments to determine when and how body cameras will be used by law enforcement officers. We support the establishment of reasonable regulations concerning public access to recordings, balancing the needs of law enforcement and the individuals whose images are captured in the recordings.



FEDERAL ISSUES

Local officials welcome the opportunity to work together with federal and state officials on policies impacting local communities. Federal agencies should research and understand the fiscal impact on local units of government when implementing new guidelines or laws. Cities manage their finances, infrastructure and personnel more effectively without unfunded federal mandates.

LOCAL CONTROL. We support local elected officials making decisions for their communities. Though the Home Rule powers granted cities in the Kansas Constitution do not affect federal powers, we call on our representatives and federal agencies to look at federal legislation and regulations with local control in mind.

POLICE REFORM. We support the work of our local police departments to make our communities safer for all. Any federal or state proposals for police reform should be focused on providing resources for local law enforcement, incentivizing transparency, and encouraging good police practices, including equity and justice.

FEDERAL RECOVERY MONEY FOR CITIES. Federal funding from the CARES Act and the American Rescue Plan Act have been critical for local governments to both respond to the negative impacts of the pandemic and support the economic recovery. As cities work on plans to best help their residents, Congress should not move to take back these funds.

ADVANCED REFUNDING OF BONDS. In order to allow cities to quickly recover from this current recession, we urge Congress to allow cities to issue tax exempt advance refunding municipal bonds. Cities refinancing bonds will be able to free much needed cash flow to reduce taxes or create capital investments.

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG). We support continued funding for Community Development Block Grants, Community Service Block Grants and HOME Grants. These programs' funding is an essential component of cities' strategies to fund critical community services and infrastructure needs.

MUNICIPAL BONDS. We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.

BROADBAND DEPLOYMENT & MUNICIPAL OVERSIGHT. Access to reliable broadband service is increasingly important to the economic health of Kansas cities. However, federal action via legislation or orders from federal agencies must recognize the key role local governments play in such expansion, and it must not remove important planning and right of way authority from local governments. Cities must be afforded the continued right to address safety, health and welfare for both their citizens and other entities with valuable infrastructure in the right of way. In addition, the right of way serves as an important resource for citizens, and the right to offset costs of management and levy taxes should not be limited.

ENERGY SPIKES. We support federal review and investigation of the extraordinary energy price spikes seen throughout the Midwest in Winter 2021. Based on the information gathered, we encourage Congress and federal, regional and state agencies to make appropriate changes in laws and regulations governing natural gas and electricity production and sales in order to promote stability in energy prices.

IMMIGRATION REFORM. We support a federal solution to immigration reform. Any immigration policy should not negatively impact local governments with additional law enforcement or administrative burdens. We support Congress continuing assistance to under-served areas with large immigrant populations, who are attempting to remain in compliance with the United States Citizenship and Immigration Services.

MEDICARE REIMBURSEMENT RATES. We encourage the federal government to establish reasonable reimbursement rates.

TRANSPORTATION. We support consistent federal funding of the nation's surface transportation with increased support to critical regional infrastructure priorities.

EVERY DAY COUNTS INITIATIVE. We support the Federal Highway Administration's Every Day Counts initiative to enhance roadway safety, integrate automation, reduce traffic congestion, and shorten project delivery processes in order to save time, money, and resources.

STORMWATER. We support simple and flexible federal regulations of municipal stormwater run-off that allow for orderly and cost-effective development. The federal government should appropriate funds for research and for the development of pilot projects on stormwater management.

WATER QUALITY. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse federal investments and cooperative solutions that address water quality challenges and take into account municipal cost concerns.

HAZARDOUS WASTE. We urge federal agencies to work cooperatively with state and local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Appropriate education and training should be provided prior to the implementation of such programs.

TELECOMMUNICATIONS DATA. We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.

RAIL SERVICE. We support existing and enhanced passenger and freight rail service in Kansas. In many cases, this service is the only affordable alternative to highway transportation in communities. Changes to Amtrak service should not sacrifice this alternative nor the investments in the service by cities.

RAILROAD QUIET ZONES. We urge Congress to reexamine the Train Horn Rule with the Federal Railroad Administration. Rules for implementing quiet zones should be less burdensome and allow for differences in community circumstances while continuing to protect public safety. We also request Congress provide federal funds for the purpose of establishing quiet zones and consider new technology which may enhance the safety of quiet zones while minimizing or eliminating train horn noise.



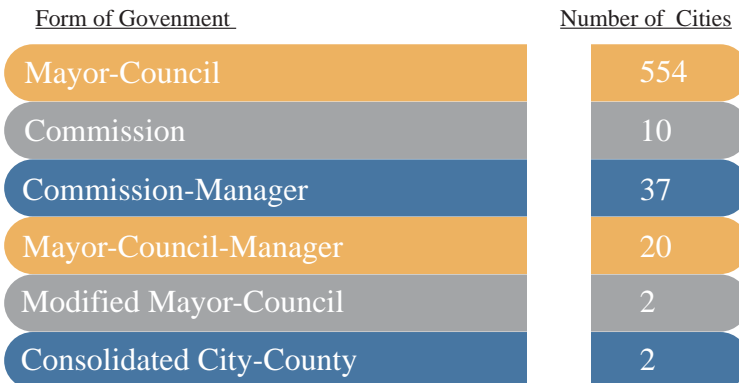
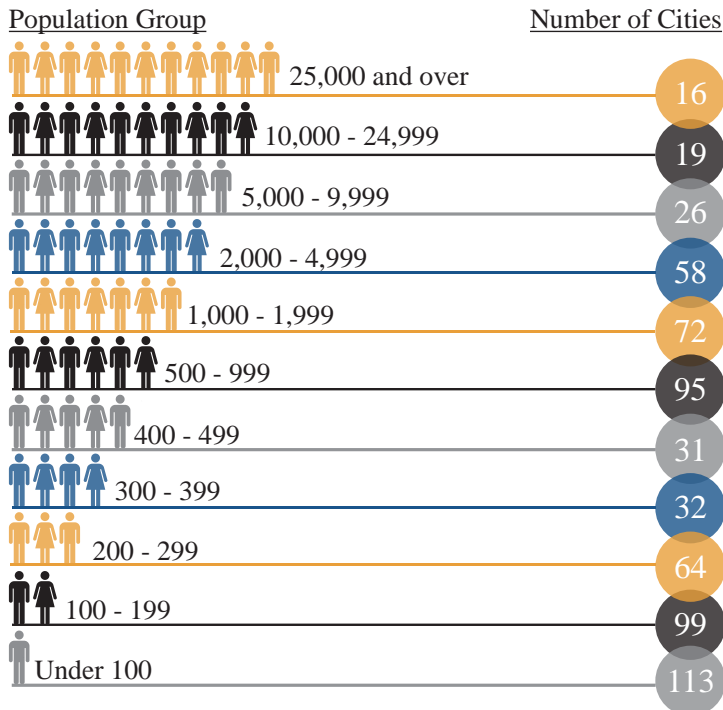
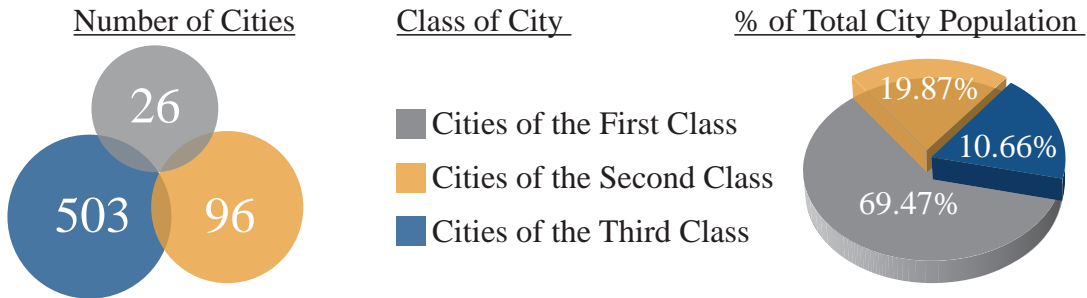
CITY FACTS

Total Number of Incorporated Cities = 625

Total Population of the State = 2,913,805

Total City Population = 2,420,761

83.08% of the state's population resides in an incorporated city.



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POLICY DEVELOPMENT

Each year, the League's member cities identify common needs and goals, and the membership adopts a Statement of Municipal Policy (SMP) that is designed to help cities overcome obstacles and reach those goals. The SMP has evolved throughout the history of the League and guides the League governing body and staff during the legislative session and throughout the year.

The League's Policy Committees, which are open to representation from all cities, are charged with developing policy recommendations and proposing amendments to the SMP. During the annual business meeting (held each year at the League's annual conference), League members consider any revisions and adopt the SMP for the next year.

The SMP should be reflective of the needs of cities from across Kansas and should not benefit one city to the detriment of other cities. Each year, legislative priority items are reviewed and modified. Legislative priority items are of principal importance to the League that we advocate for every year (such as the advancement and preservation of Home Rule) or major issues impacting cities across that the state which will be under discussion during the coming legislative session.

THE LEAGUE ADVOCATES FOR CITIES

The League advocates on our members’ behalf to sponsor and encourage beneficial legislation for cities and oppose legislation that would be detrimental to our members’ interest.



THE LEAGUE OFFERS GUIDANCE

Member cities can contact the League with a legal inquiry or question. Additionally, we provide sample ordinances and guidance on legislation and rulemaking from both the state and federal level.

COMMUNICATIONS & OUTREACH

Since 1914, the League has published the *Kansas Government Journal*, a publication for city, county and state government officials that is printed ten times a year. The League publishes a weekly e-newsletter, researches municipal issues affecting Kansas communities and develops programs for cities to use to engage their residents and reinforce the importance of civic engagement.

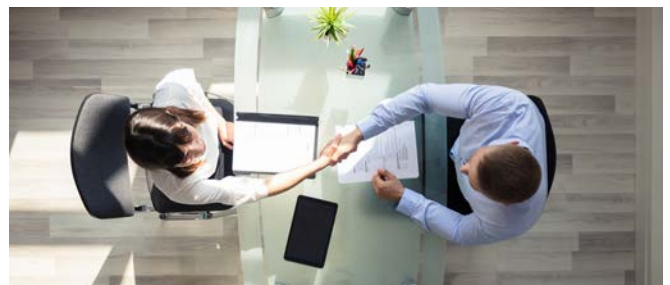


MUNICIPAL TRAINING & EDUCATION

The League offers members a variety of education and training opportunities throughout the year. Our annual conference brings together leaders in municipal government to offer innovative ideas for cities. Throughout the year, the League works with professionals in the field to train, inspire and solve problems facing municipal leaders at all levels. The League offers over 30 manuals and publications on municipal issues ranging from finance and budgeting, personnel, planning, economic development, open meetings and open records to traffic ordinances.

CONTRACT SERVICES

The League offers members a competitive rate to have the League engage in contract services, which include codification services, executive personnel search program (LEAPS) and personnel policies.





THE
LEAGUE
OF KANSAS MUNICIPALITIES

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A Publication of The League of Kansas Municipalities
November, 2021

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	December 8, 2021
ADMINISTRATION	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Addition of Juneteenth Holiday

RECOMMENDATION: Approve the addition of Juneteenth as a formally observed holiday for the City of Mission, Kansas.

DETAILS: On June 17, 2021, President Joe Biden signed a bill designating Juneteenth as a federal holiday to be observed on June 19. This marked the creation of the 12th federal holiday—the first since Martin Luther King Jr. Day was established in 1983.

Juneteenth recognizes federal troops entering Texas in 1865, to deliver the message of freedom to 250,000 enslaved individuals. President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, which officially outlawed slavery in Texas and other secessionist southern state. Freedom for slaves in those states did not come automatically with the Proclamation. As Union troops advanced through the Confederacy, they brought with them news and enforcement of the Proclamation; with Texas being the most remote and last of those states. Juneteenth originated in Galveston, Texas, and has been celebrated annually in various parts of the United States since 1865.

The City observes a number of, but not all federal holidays. Observing the Juneteenth holiday communicates to the community and the employees that Mission recognizes and values the meaning of this significant date in our nation’s history. Staff is recommending the holiday be added to the existing paid holidays, which currently total twelve (12) for full-time employees. Those holidays include:

- New Year’s Day
- Martin Luther King, Jr. Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and Friday after
- Two days at Christmas (varies based on when Christmas/Christmas Eve fall)
- Two floating personal days to be taken at employees’ discretion

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	4.
ACTION ITEM SUMMARY	Date:	December 8, 2021
ADMINISTRATION	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

When compared to other cities in Johnson County, official City and floating holidays typically range between 10-12 days. Entities who have adopted Juneteenth as an observed holiday have added it to the existing holidays rather than modifying or reducing the holidays currently in place.

When evaluating the addition of the paid holiday, the operational impacts for departments and the public were considered along with any potential budgetary impact. The cost of adding the additional holiday has minimal budget impact, and are only potentially realized in the Police Department, where some employees are required to work on holidays. Consistent with current practice, public safety personnel receive a “bank” of holiday hours to be taken at their discretion based on staffing needs of the department and personal preference.

It is recommended that the Powell Community Center and the Mission Family Aquatic Center remain open to the public on the Juneteenth holiday, but that all other City facilities be closed to the public.

The updated 2022 Personnel Policies and Guidelines included as Item #5 on the Finance & Administration Committee agenda reflects the changes necessary should the Council support the addition of the Juneteenth holiday for 2022 and beyond. If there is not support for the addition of the holiday, these will be updated accordingly prior to their consideration at the December 15, 2021 City Council Meeting.

CFAA CONSIDERATIONS/IMPACTS: The addition of the Juneteenth holiday would support the Communities for All Ages goal of social inclusion, communication and participation encouraging a sense of belonging of people of all cultures.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: City of Mission’s 2022 Personnel Policies and Guidelines

RECOMMENDATION: Approve the ordinance adopting the changes proposed to the City of Mission’s Personnel Policies and Guidelines effective January 1, 2022.

DETAILS: Each year, staff conducts a review of the City’s Personnel Policies and Guidelines. The review ensures that the City’s personnel policies conform with the most current federal and state regulations and accurately reflect the organization’s current policies and practices. Changes to the policies are approved by ordinance, which incorporates them into the City of Mission Municipal Code. A copy of the current Personnel Policies and Guidelines is attached with proposed changes shown in ~~strikeout~~ (deletions) and underlines (insertions).

The recommended changes include the proposed addition of the Juneteenth holiday to the City’s list of holidays observed, provided the Council supports the change earlier on the same agenda. The changes also include an adjustment to how donated leave is administered in creating a leave bank ahead of any requests, so requests are not subjective based on the employee who is receiving the donations. Slight clarifications of the paid parental and caregiver leave that was implemented in 2021 are also recommended as well as a cap of supplemental pay for workers compensation through 26 weeks. A clarification based on statute related to time off for victims of domestic assault and/or sexual assault.

A listing of the remaining proposed changes are highlighted in the table below:

Section Number - Page Number	Recommended Revision
E-2, pg. 13 – Juneteenth Holiday	Adds Juneteenth (June 19) to the list of City’s paid holidays pending Council approval.
E-6, pg. 17 – Sick/Vacation Leave Transfer	Shifts leave donation from requests based on a specific employee to a bank created in advance of any requests to increase impartiality and fairness.
E-11 (g), pg. 21 – Family and Medical Leave (FMLA)	Adds clarification to the process in the event that an employee is not released to work at the conclusion of the FMLA leave entitlement.
E-13 (b), pg. 22 – Paid Parental	Clarifies that employees must use FMLA

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	5.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

Leave	concurrently with paid parental leave and clarifies that if birth fathers are not the spouse or committed partner of the person giving birth, they are not entitled to paid parental leave.
E-13 (c), pg. 12 – Paid Parental Leave	Adjusts wording around how leave is scheduled.
E-15 (b), pg. 24 – Paid Caregiver Leave	Clarifies that employees must use FMLA concurrently with paid caregiver leave.
E-15, (c), pg. 24 – Paid Caregiver Leave	Adjusts wording around how leave is scheduled.
E-16, (b), pg. 25 – Time off for Victims of Domestic Violence and/or Sexual Assault	Clarifies length of leave if both paid and unpaid leave is used.
M-4, pg. 47 – Workers Compensation	Adds a cap to the length of time, 26 weeks, that the City provides supplemental pay above and beyond Temporary Total Disability wage benefits.
N-1, (a), pg. 50 – Technology Policy	Adds mention of monitoring of GPS records in City-owned vehicles to the No Expectation of Privacy section.
N-5, (2), pg. 53 – Substance Abuse	Adds appointed board and commission members back into the policy after being removed in error in 2021.

Once any recommended changes are reviewed and finalized, the City Council will consider and adopt an ordinance which, following publication, will incorporate the Personnel Policy and Guidelines as a part of Mission’s Municipal Code with an effective date of January 1, 2022.

CFAA CONSIDERATIONS/IMPACTS: The City strives to recommend and adopt flexible employment practices which meet the needs of employees of all ages and abilities.

Related Statute/City Ordinance:	Mission Municipal Code Section 120.230
Line Item Code/Description:	n/a
Available Budget:	n/a

CITY OF MISSION
Ordinance NO. _____

AN ORDINANCE ADOPTING PERSONNEL POLICIES AND GUIDELINES FOR THE CITY OF MISSION, KANSAS TO PROMOTE AND INCREASE EFFECTIVE CITY SERVICES, MAKE CITY SERVICE ATTRACTIVE AS A CAREER, ESTABLISH AND MAINTAIN A FAIR AND UNIFORM PLAN OF PERFORMANCE EVALUATION AND COMPENSATION, PROVIDE GOOD WORKING RELATIONSHIPS, AND ESTABLISH UNIFORM PERSONNEL POLICIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Adoption of Personnel Policies and Guidelines. The City of Mission Personnel Policies and Guidelines dated January 1, 2022 is hereby adopted as the personnel policy for this jurisdiction. The policy is hereby incorporated in this ordinance as if fully set out herein with an effective date of January 1, 2022.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 15th day of December 2021.

APPROVED BY THE MAYOR this 15th day of December 2021.

Solana Flora, Mayor

(SEAL)

Attest:

Audrey M. McClanahan, City Clerk

**PERSONNEL POLICIES AND GUIDELINES
CITY OF MISSION, KANSAS**

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the City of Mission 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 guidelines for performance evaluation and compensation based upon the relative duties and responsibilities of each position, and to promote a fair and equitable wage or 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 discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. **All employees are considered to be at-will employees for the purposes of city employment.**

A-2. Administration and Application of Policies. These personnel policies and procedures shall be administered by the City Administrator. It is the responsibility of Department Directors to ensure that all employees are aware of, and comply with, these personnel policies and guidelines. Each employee will be required to sign an Employee Acknowledgement Form annually indicating he/she/they has access to, or received, read, and understands the contents of this Personnel Policy and Guidelines booklet. These policies and guidelines shall apply to all employees, appointed officials and appointed members of all boards, commissions and committees in the service of the City except elected officials.

A-3. Departmental Guidelines. The Director of any City department may formulate in writing reasonable guidelines for the conduct of the operations of his/her/their department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body. Where such conflict may occur, the City's Personnel Policies and Guidelines shall prevail.

A-4. Personnel Records. The Payroll / Benefits Specialist shall keep accurate records of all persons employed, their classification and 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 Personnel Policies and Guidelines or under applicable state or federal laws. An employee's personnel file shall be available during office hours for inspection by that employee or respective Department Director. Requests must be made in advance, and an appointment will be scheduled for viewing the file. Any other request for non-police personnel information by a non-government entity must be issued with a subpoena or approved by the City Administrator.

A-5. Amendment of Policies. These policies shall be adopted by ordinance by the Governing Body. Amendments may be adopted from time-to-time in the same manner based upon recommendations by the City Administrator or as proposed by the Governing Body. These policies are, therefore, subject to immediate change, in whole or in part, at the discretion of the City Administrator and as adopted by the Governing Body. Any implemented change will be effective immediately and notice of the change will be posted as soon as possible thereafter. Likewise, these policies and guidelines may be terminated or withdrawn, and with them, any underlying benefits described, at any time at the Governing Body's sole option.

A-6. Governing Body-Employee Relationships. Except for the purpose of inquiry, members of the Governing Body shall deal with administrative services and requests through the City Administrator. No member of the Governing Body shall provide direction, criticism or discipline to any subordinate of the City Administrator, either publicly or privately. While friendly and open relations are encouraged among Governing Body members, Department Directors, and employees, requests for information or service will normally be routed through the City Administrator's office in order to maintain the integrity of the administrative process.

A-7. Equal Employment Opportunity and Affirmative Action. The City of Mission, Kansas hereby recognizes its commitment and dedication to Equal Employment Opportunity. By implementing this policy, the City reaffirms its commitment to continue to select, compensate, develop, promote, and discipline (up to and including discharge) employees based on their individual abilities, qualifications, and job performance without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. The City will consider age or sex if it is a bona fide occupational qualification, and will consider disability for purposes of analyzing reasonable accommodation, or in cases where a disability renders an individual unable to perform the essential functions of the position he/she/they holds or has applied for, and reasonable accommodation cannot be provided.

A-8. Genetic Information Policy. The City does not discriminate against any applicant or employee because of that individual's genetic information (including information from genetic tests, the genetic tests of family members,

the manifestation of a disease or disorder in a family member, family medical history, or information about any employee's, applicant's or family member's request for or receipt of genetic services). Nor does the City improperly request, require, or purchase any genetic information. Testing for drug or alcohol use is not considered "genetic testing," and may be required by the City in appropriate circumstances. Any specimen(s) gathered for drug and alcohol testing will not be tested for any genetic information.

- (a) *Inadvertent and other Lawful Acquisition.* To the extent the City receives information about an applicant's or employee's family medical history or other genetic information inadvertently or otherwise (e.g., in the administration of a leave or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider an employee's leave request relating to a family member's medical condition), and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law.
- (b) *Non-retaliation.* The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on genetic information, and/or participates or cooperates in an investigation of alleged discrimination based on genetic information, or of any other alleged violation regarding the acquisition or use of genetic information. Employees who feel they have been retaliated against for making a complaint or participating in an investigation should immediately report the circumstances or incident to the Payroll / Benefits Specialist or the City Administrator.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each full-time City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or multiple positions within the same classification. These groupings shall be known as the Classification Plan. The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Governing Body. The Classification and Pay Plan adopted April 2019 is the City's official Classification and Pay system, is subject to annual review and revision, and the most recently approved plan is hereby incorporated by reference.

B-2. Job Descriptions. Each position may have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position, physical requirements, and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the City Administrator and shall be kept on file in the Human Resources office and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The Governing Body shall adopt a pay plan, with guidelines for minimum and maximum amounts for each classification. The pay range serves only as an approximate guideline as individual circumstances may vary. The pay ranges assigned to each class of positions shall be reviewed at least annually by the City Administrator who shall make periodic recommendations for revision to the Governing Body. The City Administrator, after consultation with Department Directors, shall approve advancements and appropriate pay increases within the approved pay plan and position classification system.

B-4. Maintenance of the Classification Plan. It shall be the duty of each Department Director to report to the City Administrator any and all proposed organizational changes which will significantly alter or affect changes in existing positions or proposed positions. The City Administrator is responsible to approve all new or revised job descriptions and recommend appropriate pay ranges for such positions to the Governing Body for approval.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- (a) *Full-time Employee* is one employed to work a normal workweek of at least 40 hours on a regular and continuing basis.
- (b) *Regular Part-time Employee* is one employed to work less than a normal workweek on a regular and continuing basis and requires at least 1,300 hours of work per year. This employee may be eligible for certain pro-rated leave and benefits.
- (c) *Part-time Employee* is one employed to work less than a normal workweek and requires less than 1,560 hours of work per year.
- (d) *Seasonal Employee* is one employed to meet seasonal work demands for the duration of the program such as, but not limited to, community center, swimming pool and public works employees.
- (e) *Temporary Employee* is one employed for less than six months in a calendar year.

C-2. Recruitment.

- (a) *Announcement of Vacancies:* Notice of vacancies may be disseminated by posting announcements at City facilities, announcing the vacancy in weekly staff meetings, by sending announcements to various newspapers and other organizations appropriate to the level of job, and/or by posting on the Internet and City of Mission web page.
 - (1) In accordance with the policy of providing promotion from within the organization, with the exception of appointed officials, when qualified personnel exist, a job vacancy need not be announced publicly when such internal promotion is possible. In such a case, although the position may not be externally posted, it may be internally posted to allow internal candidates to apply.

- (2) Any vacancy may be filled from inside or outside the City service. The City reserves the right to seek external applicants simultaneously with reviewing internal candidates.
- (b) *Content of the Announcement:* The announcement shall specify the class title and salary range of the class from which the vacancy is announced; the nature of the work performed; the minimum qualifications required for the performance of the work; the time, place and manner of making application; the closing date for receiving applications and other pertinent information.
- (c) *Application:*
- (1) All applications shall be made on forms prescribed by the City and shall be filed no later than the closing date specified in the announcement. Applications shall contain only that information considered relevant to the duties and qualifications specified for the job in accordance with the Equal Opportunity Policies. Applications are taken for specific openings only and will be retained after the specific opening is filled for a period of one year.
- (2) All applications shall be signed by the applicant and the truth of the statements contained therein certified by such signatures. The City may require such proof of information contained in the application as deemed appropriate.
- (3) Applications may be picked up at City Hall or downloaded from the City's website when applications are being accepted for job openings.
- (d) *Screening:* The Department Director or his/her/their designee shall review applications and conduct interviews with candidates who meet minimum qualifications. Recommendations for hiring employees are made by Department Directors. As personnel officer for the City, the City Administrator has final authority to hire except as noted in (e) below.
- (e) *Hiring and Termination of Department Directors:* The City Administrator shall have the power to hire and remove (in accordance with these Personnel Policies and Guidelines approved by the Governing Body) all subordinate employees of the City of Mission. The Governing Body shall approve the City Administrator's recommendation for the hiring of all Department Director level positions and the City Attorney. Department Director positions include, but are not limited to: Assistant City Administrator/Finance Director, Assistant to the City Administrator, Public Works Director, Chief of Police and Parks and Recreation Director. The City Administrator will advise the Governing Body of the pending termination of Department Directors, appointed officials or board and commission members.
- (f) *Rehire:* After separation with the City for more than 90 days, other than layoff, a former employee may be eligible for rehire without credit for prior service or seniority. Hiring managers who wish to rehire previous employees who were terminated other than "for cause" reasons must seek prior approval from the City

Administrator. If approved for rehire, such employee will be considered a new employee. Any employee who is terminated for cause from the City of Mission's employment will **not** be eligible for future City employment, and depending upon the circumstances may be subject to criminal prosecution.

C-3. Qualifications of Employment. Each applicant shall complete a job application and all other necessary forms as required. The application will require that the applicant clearly articulate their qualifications.

- (a) A medical examination may be required after an offer of employment has been extended; provided, that such exams are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the examination confirming that the applicant can perform the essential functions of the offered position, with or without reasonable accommodation, and without posing a direct threat to the applicant or to any other person.
- (b) A drug/alcohol test may be required after an offer of employment has been made for any safety-, security-, or integrity-sensitive position; provided, that such exams or testing are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the applicant passing any such required test.
- (c) A background check and/or credit check may be required for certain positions. All background checks will be performed in compliance with applicable law.
- (d) *Age Requirement:* Minimum age requirements shall be established only for positions which might require a valid Kansas Driver's License, applicable federal and/or state laws regarding the employment of youth, or as otherwise determined by the City Administrator, with the exception of employment in the Police Department where the minimum age requirement is twenty-one (21).
- (e) *Residence Requirement:* Employees shall not be required to live in the City limits, but they are encouraged to do so. This is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. All Department Director level positions and the City Attorney may be non-residents of the City, provided however that such non-residents shall establish and maintain residency within a thirty (30) mile radius of the City of Mission. The City Administrator, in consultation with the Governing Body, may consider and approve exceptions to the residence requirement outlined above.
- (f) *Disqualification:* An applicant may be disqualified if:
 - 1) The applicant does not meet preliminary requirements established for the pertinent class.
 - 2) The applicant has established an unsatisfactory employment record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
 - 3) The applicant has made a false statement of material fact in the application or on their resume.

- 4) Failure of medical examination (i.e. a medical examination that indicates the applicant cannot perform an essential function of the position with or without an accommodation, or poses a direct threat by doing so, and reasonable accommodation is not possible or feasible);
- 5) Failure of a drug/alcohol test (in the case of an application for a safety-, security-, or integrity-sensitive position).
- 6) Unsatisfactory background and/or credit. A criminal conviction or negative credit history will not necessarily disqualify an applicant. Factors such as the date of the occurrence(s), seriousness of the occurrence(s), nature of the offense, and the relationship of the offense or occurrence, and the position applied for, will be taken into consideration.
- 7) Failure to receive "Employment Authorized" results during eVerify processing. Employee will be given adequate time to resolve discrepancies or contest a mistake. In the event eVerify returns a "final nonconfirmation" of an employee's legal rights to work in the United States, the employee will be terminated.

C-4. Training Period.

- (a) In order to achieve a minimum level of competency, each employee, following initial employment, shall undergo a training period. For police this is one year and for all other employees it is six months.
- (b) Each employee promoted to a new classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he/she/they held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated within a time period of up to six (6) months, as determined by the Department Director and City Administrator.
- (c) The provision of a training period does not guarantee the employee employment for that duration, or any specific duration. City employees remain employees "at will" throughout, and following, any training period.

C-5. Promotion. It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. Each applicant shall complete a job application or submit a detailed resume and all other necessary forms as required. A medical examination or (in the case of a safety-, security-, or integrity-sensitive position) drug/alcohol testing may be required after an offer of promotion has been made; provided, that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing any required test(s).

C-6. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be hired who is a family member of anyone on the City's Governing Body. "Family member" shall be defined as parent, spouse, domestic partner, child, sister or brother, grandparent, grandchild, in-law (mother, father, grandparent, brother, sister, daughter, son), first generation aunts, uncles, nieces, nephews or cousins. Relatives by adoption, step-children and step-parents are included in this definition. However, an employee who is an immediate family member of the Governing Body and who is employed prior to such member taking office, shall retain his/her/their employment with the City.
- (b) If one City employee becomes a "family member" of another City employee after they are both employed, the two employees may not remain in the same supervisory chain. If they are in the same supervisory chain at the time they become "family members," one must be moved to another department and/or out of the supervisory chain within 90 days. If an appropriate position is not available then one of the employees must separate from City employment within the same 90 day period. If the affected employees cannot decide who will separate, then the Department Director, in consultation with the City Administrator, will determine which employee to retain.
- (c) This provision shall not prevent the hiring in a part-time position of an individual who is a "family member" of another City employee (as distinguished from an individual serving on the City Governing Body); provided, however, that no part-time employee shall be directly supervised by a family member.

C-7. Commercial Driver's License. The City requires those employees who will be operating trucks, which by Kansas law require a commercial driver's license to operate, to obtain and maintain the appropriate license as soon as possible but no later than six (6) months from the date of employment. To receive reimbursement for the expense of obtaining or maintaining such CDL, employees must submit a claim for reimbursement with the paid receipt showing the cost of the commercial driver's license. Since the commercial driver's license is required by the City for employment and to perform the required duties, the reimbursement is excludable as a wage to the employee. Any CDL employee who receives a moving violation or has their license suspended or revoked must advise their supervisor immediately.

ARTICLE D. COMPENSATION

D-1. Compensation Plan.

The salary of each employee of the City will normally be set at least annually at an amount within the pay range of the position class to which the employee is assigned, or put on a plan to reach the range minimum within a reasonable period of time. Such determination shall be made by the City Administrator with the advice of the Payroll and Benefits

Specialist and the appropriate Department Director. An employee's continued employment at the salary rate within the class assigned to him/her/they shall be contingent upon the provisions outlined in Sections D-2 and D-3.

D-2. Pay Increases.

(a) Department Directors may recommend periodic pay increases for employees based on performance evaluations submitted by the employees' immediate supervisors. Performance evaluations and recommended pay increases will be reviewed by the Department Director and forwarded to the City Administrator for approval.

(b) Periodic pay increases shall not be routine or automatic and are subject to approval by the City Administrator.

D-3. Performance Evaluations.

(a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

(b) An evaluation of the performance of each full-time and part-time employee, based on his/her/they duties and responsibilities, may be prepared by the employee's immediate supervisor (but is not required) at least annually. Any such evaluation may be in writing on forms approved by the City Administrator. The supervisor may (but is not required to) evaluate in writing, at least quarterly, any employee who has received a less than satisfactory overall performance rating during the past year. An employee-in-training may be (but is not required to be) informally evaluated at the half-way point of the training period, and at the completion of his/her/their training period. If an evaluation is performed under any of the circumstances outlined above, the supervisor will present each evaluation to the employee and allow the employee the opportunity to respond. Less than satisfactory evaluations shall be reviewed and approved by the Department Director prior to presentation to the employee. On an annual basis the City Administrator, in cooperation with the Mayor, may (but is not required to) perform a review of all Department Directors.

D-4. Pay on Termination.

(a) An employee who is terminated will receive his/her/their final paycheck on the first regularly scheduled payday following his/her/their termination.

(b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of ten (10) working days' notice, may not be eligible to receive pay for any accrued benefits other than unused vacation days. See Section E-3(b) as to employees-in-training.

D-5. Timekeeping for Non-Exempt "Hourly" Employees; No Working "Off the Clock"; Reporting Process

- (a) The City intends to fairly and appropriately pay all non-exempt (overtime-eligible) employees hour-for-hour for all time worked on behalf of the City. Whenever work is performed for the City, whether during the regularly-scheduled shift, before or after the regular shift, or during meal breaks, the City intends to pay non-exempt employees for that time. Employees are required to accurately and truthfully record all time they work for the City; non-exempt employees are specifically prohibited from performing any work for the City "off the clock." Failure to accurately and truthfully record all time worked, whether the effect is to report more or less time than actually worked, is a violation of City policy and may result in discipline up to and including termination.
- (b) Unless specific advance approval is given by the employee's manager or supervisor, non-exempt employees are prohibited from taking work home or performing any services (including monitoring email or voice mail, or responding to phone calls) for the City from remote locations and/or outside of normally-scheduled hours, via electronic communication devices or otherwise. If it is necessary for a non-exempt employee to respond to a specific request outside of the office and outside of scheduled working hours, the employee must report all such time worked. Employees who perform work off-premises without prior approval are subject to discipline, up to and including termination.
- (c) No one has the power to allow or ask, directly or indirectly, any non-exempt employee to perform any work for the City "off the clock." There may be times when operational needs require employees to be assigned work before or after the regularly scheduled shift, or during meal breaks. In all cases, all time worked must be reported on time records, and will be compensated. Any employee who is aware of any non-exempt employee being allowed or asked, directly or indirectly, to perform any work for the City "off the clock" should immediately report the situation to Human Resources. The City will assure that any unpaid wages due are paid, and there will be no retaliation against any employee for reporting any prohibited "off the clock" work, or request for prohibited "off the clock" work.

D-6. Overtime Compensation (for overtime-eligible employees).

- (a) Employees holding exempt positions (as defined by the Fair Labor Standards Act) are ineligible for overtime compensation. Full-time employees are generally paid for actual hours worked in excess of any pre-arranged workday schedule. Section D-7 Flexible Scheduling, describes exceptions to this provision.
- (b) The City's policies at least meet, and often exceed, the basic requirements of any applicable wage payment laws. To assure compliance, the following baseline regulation is set forth: Non-exempt personnel shall be paid overtime for actual hours worked over 40 hours in a work-week.

- (c) A non-exempt employee shall not be permitted to work in excess of their normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City, and such work is assigned by the supervisor.
- (d) All overtime work must have prior authorization by the employee's Department Director or supervisor in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and shall provide such records as appropriate to the Human Resources Department for payroll calculations. Working unauthorized overtime may be cause for disciplinary action.
- (e) Compensation for overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime is rounded and tracked in 10-minute increments. Overtime compensation shall be paid no later than the first payday following the pay period in which the overtime work was performed.
- (f) Non-exempt employees shall be eligible to receive overtime compensation for all hours worked in excess of their normal workweek. Paid vacation and paid holiday hours will count as "time worked" for the purposes of computing overtime. Personal leave, job related injury leave, compensatory time, funeral leave, civil leave, and sick leave are not counted as "time worked" for the purposes of computing overtime.
- (g) Time spent regularly or occasionally "on call", where the employee is not confined to his/her/their home or any particular place, but is required to leave work where he/she/they may be reached or carry a cell phone or pager, is not considered compensable time for base pay or overtime purposes unless the employee is called in for an assignment.
- (h) Non-exempt employees who are called in for an unscheduled assignment, or to work at a time that is outside of their normal work schedules will receive a minimum of two hours pay. Non-exempt employees who are required to work at a time that is less than two hours before the beginning of their normal work schedule do not qualify for the minimum two-hour payment; they will be credited for actual time worked. Pay for call in begins at the time the employee arrives at the work site. Non-exempt employees are required to work overtime as needed and requested by their supervisor.

D-7. Compensatory Time

The City will not routinely offer compensatory time in lieu of overtime payments. However, if it is offered the following procedures will apply:

- (a) At the discretion of the Department Director, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. The decision to use compensatory time in lieu of cash pay must be made and the employee informed before the overtime occurs.
- (b) Any compensatory time shall be accrued at the rate of one and one-half times the number of hours worked and is accruable up to 240 hours for non-public safety employees and 480 hours for public safety

employees. Accrued compensatory time must be used within 12 months of occurrence or it will be paid at the rate earned at the end of the 12 month period.

- (c) Compensatory time may be used for the same reasons as set out in these Personnel Policies and Guidelines for sick, vacation and personal leave, and based on the purpose of its use, must be scheduled in accordance with City or department policy.
- (d) All overtime work and utilization of compensatory time off must have prior authorization by the employee's Department Director in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and compensatory time taken and shall provide such records as appropriate to Human Resources for payroll calculations.
- (e) Upon termination of employment, available accrued compensatory time will be paid to the employee and will be calculated at the final regular rate of pay received in accordance with (b) above.

D-8. Flexible Scheduling. If a supervisor and non-exempt employee agree in advance, the supervisor may allow an employee to work in excess of the prearranged work day schedule in order to take off time on another day during the same work week. The worked time and the time used are a one for one ratio. The time sheet must clearly reflect the actual times worked. Flexible scheduling should be done within a single work week and should not result in an overtime situation.

D-9. Holiday Compensation.

- (a) In the event that the traditional date of any holiday shall fall on a Saturday, City offices will be closed on the preceding Friday. The City offices will be closed on the Monday immediately following when the traditional holiday date falls on a Sunday. A police officer of the rank of sergeant and below will be given a bank of 80 hours of Holiday Time (equal to ten 8 hour shifts) to be taken with scheduling and supervisor approval. This method is to accommodate the need for 24x7 staffing with each 8 hour shift being used in lieu of a City observed holiday. Police holiday pay must be taken in 8 hour segments. If upon employment termination, the officer has taken more Police holiday time than City holidays have occurred, the compensation for those hours will be refunded to the City with their final pay. The Chief of Police may implement a departmental holiday policy which permits holiday scheduling which will not interfere with department operations.
- (b) All full-time non-exempt, non-police employees shall receive 8 hours of straight time pay for every city observed holiday (Holiday Pay). In the event a full-time non-exempt employee is required to work on a city observe holiday, that employee will be paid straight time pay for all hours worked in addition to the 8 hours of holiday pay.
- (c) Regular part-time employees shall be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. The amount of pay shall be equal to the wages they would have

earned for the number of hours they would have been scheduled to work on that day. In the event that a holiday falls on a regular part-time employee's scheduled day off, the employee shall take off the scheduled workday preceding or the scheduled workday following a holiday.

- (d) Seasonal, temporary, and part-time employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a City holiday, an employee must not have been absent with unapproved leave either on the workday before or the workday after the holiday.

D-10. Pay Periods; Paydays.

- (a) The City shall pay all full-time, part-time, seasonal and temporary employees bi-weekly, on alternate Fridays.
- (b) The City shall pay all appointed officials monthly, on the second payday of the month.
- (c) The workweek is defined as Sunday through Saturday.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal workweek for regular full-time employees shall be a minimum of 40 hours per work-week on a set schedule to be assigned by the Department Director.
- (b) *Police Officers.* The normal workweek for full-time police officers shall be an average of a 40 hour workweek. The work period shall exclude uninterrupted mealtime.
- (c) *Normal Work Hours.* No employee shall be permitted to work in excess of his/her/their normal work-week except when so directed by the employee's Department Director or immediate supervisor.
- (d) If an employee is absent without leave and without acceptable explanation for a period exceeding three days, or if the employee did not comply with departmental notification procedures for three days, the employee is considered to have abandoned his/her/their job and may be terminated.
- (e) Work hours may be adjusted by the Department Director based on departmental needs.

E-2. Holidays.

- (a) The following days shall be paid holidays for City employees: New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Memorial Day (last Monday in May), Juneteenth (June 19), Independence Day (July 4), Labor Day (first Monday in September), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November), Friday after Thanksgiving, Christmas Day (December 25), and an additional day at Christmas as explained below.
- (b) From time-to-time, and for certain special occasions, the Mayor or the Governing Body by majority motion may designate other days as special holidays on a one-time basis.

- (c) In the event that Christmas falls on a Monday or Friday, City offices will be closed the following Tuesday or preceding Thursday; in the event that Christmas Day falls on a Tuesday or Thursday, City offices will be closed on the preceding Monday or following Friday, respectively; in the event that Christmas Day falls on Wednesday, City offices will be closed the preceding Tuesday. In the event that Christmas falls on a Saturday or Sunday, City offices will be closed on the preceding Friday and on the following Monday.

E-3. Vacation Leave. Vacation leave shall be granted beginning with the date of employment under the conditions hereinafter stated. Any employee who works fewer than 10 days in any month shall not accrue vacation credit for such month of service; provided that this restriction of 10 days shall not apply where the employee has worked fewer than 20 days due to authorized vacation or sick leave or other authorized duty absence. Vacation hours accrue and are to be used based on a calendar year. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. Regular part-time employees shall accrue vacation days on a pro-rata basis. Accrued, unused vacation is not converted to cash in lieu of time off, either while the employee is employed or upon termination, except as specifically provided below.

- (a) *Full-time Employees.* Full-time employees will receive paid vacation leave time according to the following schedule: City Administrator and Department Directors with one through five years of consecutive service shall receive 15 working days of vacation. Other employees with one through five years of consecutive service shall receive 10 working days of vacation. All employees shall receive one additional working day, to a maximum of 25 working days, for each calendar year served in excess of five years.
- (b) *Accrual Rate Years One through Five.* City Administrator and Department Directors will accrue leave days of 10 hours per month. Other employees will earn 6.67 hours for each full month of employment during years one through five of employment. Employees with start dates prior to the 16th of the month will receive credit for the full month. Employees with start dates on or after the 16th of the month will receive no credit for that month. Employees-in-training terminated prior to completion of training other than "for cause" will receive pay for any accrued, unused vacation leave.
- (c) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and Department Director. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the City, vacation leave shall be granted on the basis of rank, first request, and/or seniority of City employment at the discretion of the Department Director and/or City Administrator.
- Vacation may be taken only when earned. Vacation may be advanced only in extenuating circumstances and only with specific approval of the City Administrator upon recommendation of the Department Director.

- Earned and unused vacation may be carried over from year to year. The City reserves the right to require employees to utilize at least one week's vacation per year to rest and refresh themselves.

Vacation utilization guidelines are as follows:

- (1) Each Department Director reserves the right to limit the amount or timing of vacation taken if the proposed vacation interferes with business operations. Department Directors may implement departmental vacation policies with the City Administrator's permission.
 - (2) Vacation time may be used in conjunction with Personal Days or Holidays if pre-approved.
 - (3) Vacation time may be used to bridge the employee to disability in the case of the employee's inability to come to work due to their own illness.
 - (4) Vacation that is accrued but unused may be carried over for use at a future time.
 - (5) If sick and personal time are exhausted, or do not qualify for FMLA concurrent use, vacation time will run concurrently with Family Medical Leave.
 - (6) Special circumstances will be considered on a case by case basis, but under no circumstances may any employee ever use more than 20 vacation days sequentially for reasons other than personal illness (including pregnancy) or Family Medical Leave. The City reserves the right to deny such requests that fall outside regular guidelines.
 - (7) Department Director vacation leave will be scheduled through the City Administrator.
Normally, the Department Director and assistant for the same department may not be on vacation leave at the same time.
- (d) *Holiday During Vacation.* City holidays which occur while an employee is on authorized vacation leave will not be counted as a day of vacation for that employee.
- (e) *Minimum Hours.* Employees shall use vacation leave in whole hour increments (no fractions of hours) in units of not less than one hour.
- (f) *Termination.* A maximum of 240 hours of combined accrued but unused current and carry-over vacation time (if any) may be converted to pay in lieu of time off, at the employee's final rate of pay, upon termination if the employee voluntarily resigns with adequate notice, or is terminated for a reason other than "for cause." Conversion to cash may not be available to an employee who resigns without adequate notice, or is involuntarily terminated "for cause."

E-4. Personal Days. Full-time employees who are on the payroll January 1st of each year shall be credited with two personal days. Full time employees hired during the year will receive credit for personal days based upon the following schedule:

- Start dates in the months of January, February, March or April: 2 days

- Start dates in the months of May, June, July, or August: 1 day
- Start dates in the months of September, October, November, or December: 0 days

Employees shall use personal leave in whole hour increments (no fractions of hours) in units of not less than one hour. Personal days not used by December 31st of each year shall be deleted, i.e., not carried over into the next year. Personal days are neither carried over nor converted to cash, either while the employee is employed or upon termination. Personal day scheduling and accounting shall be outlined as in E-16.

E-5. Sick Leave. All regular full-time employees shall accrue sick leave from the first day of employment. Regular part-time employees shall accrue sick leave on a pro-rata basis. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Where the reason for absence also qualifies as a Serious Health Condition of the employee or a covered family member under provisions of the Family and Medical Leave Act, sick leave must be used concurrently with FMLA leave (see Section E-11). Used sick leave shall be accounted for as in E-16 upon return to duty. Sick leave may be used upon accrual for the following reasons:

- The employee's own personal illness or physical incapacity.
- Enforced quarantine of the employee in accordance with community health regulations.
- Doctor or dentist appointment when the employee provides at least one-day notice to his/her/their immediate supervisor, or as soon as possible if an emergency.
- To attend to a person whose illness requires the employee's presence. Examples: spouse, child, parent, grandparents or with approval by the City Administrator in extraordinary circumstances.

- (a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each full month of service. Regular part-time employees shall accrue sick leave on a pro-rata basis.
- (b) *Accumulation of Sick Leave.* Sick days may be accumulated to a maximum of 528 hours for use for the above situations.
- (c) *Computing of Sick Leave.* Any planned absence chargeable to sick leave shall be charged in half hour increments. Unplanned absence chargeable to sick leave for non-exempt hourly employees shall be charged in 15 minute increments if entered manually by a supervisor, or will follow the same rounding procedures as used for regular time, if entered using the electronic timekeeping system to make up the balance of the scheduled shift. Absence chargeable to sick leave for exempt employees will be charged in half hour increments.
- (d) *Doctor's certificate.* Sick leave for three days or more may require the employee to furnish the Department Director with a physician's certificate clearly stating that the employee has been under a doctor's care and unable to work for dates which must be specified, and the probable duration of the illness. Employees

returning after illnesses of three days or more may be required to provide a release from the physician that the employee is fit to return to work.

- (e) It shall be the responsibility of the employee to notify their Department Director of illness on a daily basis unless certification from a health care provider renders such daily notification unwarranted.
- (f) *Notification.* To be eligible for paid sick leave an employee, or his/her/their representative, shall notify the employee's immediate supervisor and advise the supervisor that sick leave is requested no later than two hours before the beginning of the first workday for which sick leave is taken, or as soon as is reasonably possible. Confirmation of receipt of notice is required from supervisor for employee to be eligible to be paid for sick leave. As stated above, the City reserves the right to require a physician's certification that one of the above criteria is met, thereby warranting use of paid sick leave.
- (g) *Termination of Employment.* Conditioned on the employee terminating "in good standing" (i.e., voluntarily with notice, or involuntarily other than "for cause"), such employee will be paid for 50 percent of the accrued, unused sick leave at the annual rate of pay at the time of termination. Sick leave is not converted to cash in any proportion where an employee fails to provide adequate notice of voluntary resignation, or is terminated "for cause."

E-6. Sick/Vacation Leave Transfer. ~~In special circumstances it is possible for employees~~There may be times when employees have an opportunity to donate accrued, unused sick leave or vacation leave to be made available to other employees to provide pay for already granted time off. ~~Employees will be invited annually or more frequently if necessary to donate sick or vacation donations to a leave transfer bank. The leave may be used. For instance,~~ if a receiving employee has a serious illness or injury, or the receiving employee's immediate family has a serious FML approved illness or injury requiring the receiving employee to be off work longer than the time for which they would receive pay from their own accrued sick and vacation leave, ~~the Payroll / Benefits Specialist may be contacted.~~ After discussing the issue with the Department Director and the City Administrator, the Payroll / Benefits Specialist may accept use sick or vacation donations from ~~other employees~~ the leave bank to transfer to the receiving employee. ~~Once donated, the transfer is irrevocable; any such donation must be fully voluntary by the donor-employee; any employee donating leave must retain a combined balance of 200 hours of accrued sick and vacation leave.~~

E-7. Funeral Leave. In the case of death of a member of an employee's immediate family member (to include employee's spouse, child or adopted child, father, step-father, father-in-law, mother, step-mother, mother-in-law, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, grandparents, grandparents-in-law, grandchild, or any natural or adopted child or grandchild of the employee's spouse) full-time employees shall be granted paid funeral leave not to exceed three consecutive working days. Additional time off may be granted by the

supervisor. To be considered eligible, such approval must be granted before the extension is taken, and the extension will be unpaid unless the employee has available, and opts to use, accrued personal or vacation time. Funeral leave is not counted in the computation of overtime.

E-8. Injury Leave.

- (a) All injuries occurring on the job shall be reported to the employee's immediate supervisor as soon as possible, but no later than 24 hours after the incident.
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay for up to the seven-day waiting period for workers' compensation claims, or the duration of the necessary absence, whichever is shorter. If an injured employee has work restrictions which can be accommodated by the City and elects not to work, they will be required to use accrued sick leave time, and will not be eligible for injury pay.
- (c) When an employee receives compensation under the Workers' Compensation Act, the pay he/she/they receives from the City, while an employee of the City, shall be the difference between his/her/their regular rate of pay and the amount he/she/they receives from workers' compensation.
- (d) Failure to timely report a work related accident or injury may result in disciplinary action.

E-9. Military Leave. A military leave of absence will be granted when an employee serves in the uniformed services of the United States. This includes active duty, active duty for training, inactive duty for training, National Guard duty, reserve duty, and time taken off for an examination to determine fitness to do any of the above.

When possible, a request for military leave should be made to the Department Director and Human Resources prior to the beginning of the leave. The employee should also discuss the expected length of the leave and the anticipated return date with the Department Director and Human Resources.

- (a) *Benefits Continuation.* The employee may elect to continue his/her/their health insurance coverage. Please see Human Resources for information regarding health insurance and other benefits.
- (b) *Vacation and Personal Time.* An employee who takes military leave will be permitted (but not required) to use his/her/their accrued and unused vacation time and/or personal time for military duty obligations upon written request. Otherwise, the leave is unpaid.
- (c) *Restoration.* An employee returning from military leave who meets the requirements will be reinstated in accordance with all applicable laws.
- (d) Please refer to the Family Medical Leave Guidelines for additional information on employees who have family members in the military.

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* Any employee shall be given necessary time off with pay under any of the following circumstances: (1) when performing jury duty (note: when normal pay is taken, jury duty paycheck shall

be endorsed to the City.) (2) When appearing in court as a witness in answer to a subpoena in connection with the City, or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his/her/their duties with the City, the employee may take leave without pay unless he/she/they elects to utilize accumulated vacation leave or personal days.

E-11. Family and Medical Leave (FMLA).

- (a) *Overview.* Each eligible employee will be granted up to 12 weeks of job-protected family and medical leave during any 12-month period looking backward beginning with the first day leave is taken. The leave is unpaid except as provided herein. Such leave will be available as the result of any one, or combination of the following: the birth, adoption or placement of a child for foster care (including paternity leave) ("baby bonding leave"); to care for a spouse, child or parent with a serious health condition; the employee's own serious health condition; qualifying military exigency leave; or for Military Caregiver Leave, to care for a covered service member with a covered service-related serious illness or injury. For Military Caregiver Leave, the leave allotment will consist of 26 weeks of unpaid leave beginning with the first day leave is taken for that purpose and looking forward.
- (b) *Eligibility.* An employee must have worked for the City at least 12 months and a minimum of 1,250 hours during the 12 months preceding the absence to be eligible for FMLA leave.
- (c) *Certification of Need for Leave.* When leave is requested as a result of a serious health condition of the employee, spouse, child or parent, or for Military Caregiver Leave, the employee must provide the City with authentic and sufficient medical certification completed by a health care provider, on forms to be provided by the City. The City will reimburse the employee if the health care provider charges the employee a fee for filling out the FML medical (re) certification. A receipt of payment must be submitted in order to be reimbursed. The City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the City may pay for the opinion of a third provider, selected by agreement of the employee and the City. The opinion of the third provider is binding on both the employee and the City. Medical Certification from an appropriate US Department of Defense health care provider or other health care provider authorized in the regulations must be provided for certification of Military Caregiver Leave. The City may likewise require verification of the need for Qualifying Military Exigency Leave.

- (d) *Required Notice by Employee of Need for Leave.* Where foreseeable, employees are required to provide at least 30 days' notice (or as much advance notice as is practicable, if less than 30 days) before beginning to take such leave. Whether the need for leave is foreseeable or unforeseeable, an employee must follow the City's (and/or the employee's Department's) usual and customary call-in procedures, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a failure, FMLA coverage for the absence may be delayed or denied. Merely calling in "sick" without providing more information is not sufficient to trigger FMLA coverage for that absence, and such absence may be subject to the City's (or Department's) regular attendance and absenteeism policies and guidelines.
- (e) *Length of Leave Allotment.* The cumulative total of any one or combination of the above qualifying shall count toward the 12 weeks of leave (or 26 weeks in the case of Military Caregiver leave) provided under this law. Employees will normally be notified of their eligibility for leave under the FMLA within five working days following the City's knowledge of a potentially qualifying absence. Within five business days after required certification is returned, employees will normally be notified of whether or not the leave is FMLA covered, and if so, of specific expectations and obligations under the FMLA. The City's obligations under FMLA shall cease upon the expiration of the applicable FMLA allotment, or when an employee gives notice of his/her/their intent not to return to work, whichever occurs first. The City reserves the right to request certification and/or re-certification verifying the need for leave during leave as allowed. An employee who does not return to work at the end of the authorized leave period or upon exhaustion of the applicable leave allotment under this policy and the FMLA may be subject to termination.
- (f) *Interaction with Paid Benefits.* If the FMLA qualifying condition is the serious health condition of the employee, or of the employee's spouse, child, or parent, or for Military Caregiver Leave, then the employee must use accrued sick time concurrently with FMLA. If sick time is exhausted, the employee must use personal, then vacation time, concurrently with FMLA before the leave becomes unpaid. The employee may, but is not required to, supplement worker's compensation benefits with accrued but unused sick, personal or vacation pay to receive 100% of pay. For baby bonding and qualifying military exigency leave, the employee must use personal, then vacation time concurrently with FMLA before the leave becomes unpaid. Employees on unpaid family leave will not accrue any seniority, vacation, sick leave, or other benefits.
- (g) *Return to Work Certification.* As a condition of restoring the employee whose leave was occasioned by the employee's own serious health condition, the employee must obtain and present a certification to Human Resources from the employee's health care provider stating that the employee is able to return to work and perform the essential functions of the position to which he/she/they seeks restoration. The City may

delay the employee's restoration until the employee submits an authentic and sufficient release to return to work. If the employee is not released to work at the conclusion of the FMLA leave entitlement, the employee may request an extension of leave. There is no guarantee of availability or approval of such leave, but upon request, the City will engage in an interactive dialogue with the employee and will make an individual determination of what is reasonable based on the specific circumstances of the employee.

- (h) *Restoration.* Unless the position has been eliminated for a reason other than the employee's absence, or the employee is a "key employee" whose restoration would cause grievous economic injury to the City, or the employee is terminated for some reason other than the FMLA absence, an employee who is released to return to work to perform the essential functions of the position within the FMLA allotment will be restored to his/her/their position or to a position with equivalent benefits, pay and other terms and conditions of employment. To allow the City to make adequate scheduling arrangements and have work available for the employee upon returning to work, the employee must give at least 48 hours advance notice of the intent to return to work.
- (i) *Health Insurance Coverage.* During the FMLA covered absence, the City will continue to provide health care coverage under the same provisions as if the employee were actively working. If the employee fails to return from leave, the City can recover the premium(s) paid on behalf of the employee to maintain health care coverage during the absence. 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 health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

E-12. Non-FMLA Medical Leave

- (a) An employee who is not FMLA-eligible and who has a medical condition (physical or mental) that requires leave beyond that provided under the City's sick leave policy may request a leave of absence for a reasonable time for his/her/their own medical condition that requires absence from work. Medical certification verifying the medical necessity for the leave, and identifying the expected duration of the leave, must be submitted to support the leave request. Approval of a leave request under this policy, and the length of any such leave, will be analyzed based on the City's operational needs. The City reserves the right to seek an independent medical opinion of the medical need for the leave, and the duration of any such leave, under appropriate circumstances.
- (b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, and vacation leave or short term disability benefits (as applicable) during the leave; if such benefits are unavailable, the leave will be unpaid.

(c) Within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work, the City will reinstate the employee to his/her/their original job, or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-13. Paid Parental Leave

- (a) *Overview.* Eligible employees may receive up to 6 weeks of paid parental leave due to the birth of an employee's child or the placement within an employee's home of an adopted child or foster child. Employees must be eligible for Family and Medical Leave (FMLA) in order to qualify.
- (b) *Eligibility.* To be eligible to receive paid parental leave, the employee must also qualify for FMLA. The employee will have worked for the City at least 12 months prior to the event and a minimum of 1,250 hours during the 12 months preceding the absence. Any employee awarded paid parental leave must use FMLA concurrently to leave included in this policy. In addition, the employee must meet one of the following criteria: Have given birth to a child, be a spouse or committed partner of a woman who has given birth to a child, or have adopted a child or been placed with in 12 months with a foster child (must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy. This policy excludes birth fathers provided they are not the spouse or committed partner of the person giving birth.
- (c) *Amount, Time Frame and Duration.* Approved paid parental leave is compensated at 100% of the employee's regular, straight-time pay and will be paid on a bi-weekly basis on regularly scheduled pay dates. Eligible employees will receive a maximum of 6 weeks of paid parental leave per birth, adoption or placement of a child. A multiple birth, adoption or placement does not increase the 6 week total amount of paid parental leave granted. In no case will an employee receive more than 6 weeks of paid parental leave in a rolling 12 month period. Approved parental leave may be taken at any time during the 12-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame. Time may be taken in a continuous period or intermittently and shall be coordinated with the employee's supervisor; but leave may be denied or scheduled so as to minimize negative impacts to scheduling or coverage. If two employees are spouses and both eligible for leave, the leave may be taken at the same time or staggered as long as not to negatively impact scheduling or coverage.
- (d) *Request for Paid Parental Leave.* The employee will provide his/her/their supervisor and the Human Resources Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the

necessary Request for Paid Parental Leave as well as the request for FMLA forms and provide all documentation as required by the Human Resources to substantiate the request, to include medical documentation for the birth of a child or appropriate adoption or foster documentation, such as a letter from the governing agency or from the attorney in the case of a private agency.

- (e) *Coordination with other policies and benefits.* Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave (whether paid or unpaid) granted to the employee under the FMLA exceed 12 weeks during the 12-month look-back period. Please refer to the Family and Medical Leave Policy for further guidance. After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. The City will maintain all benefits during the paid parental leave. The employee portion of the premium deductions will continue to be withheld as scheduled.

E-14. Non-FMLA Maternity Leave

A pregnant employee who is not eligible for FMLA leave may request a leave of absence for childbirth and/or recovery therefrom. The City will provide a leave of absence for a reasonable period of time following childbirth. Approval of a leave request under this policy, and the length of any such leave, are within the City's sole discretion. An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, vacation and/or short term disability benefits to cover the leave; if such benefits are unavailable, the leave will be unpaid.

Following childbirth and within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work from the employee's health care provider, the City will reinstate the employee to his/her/their original job or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-15. Paid Caregiver Leave

(a) *Overview.* Eligible employees may receive up to 6 weeks of paid caregiver leave to provide intermittent or continual care for a spouse, child or parent who due to a medical issue is unable to care for his/her/their self. Employees must be eligible for Family and Medical Leave (FMLA) in order to qualify.

(b) *Eligibility.* To be eligible to receive paid caregiver leave, the employee must also qualify for FMLA. The employee will have worked for the City at least 12 months prior to the event and a minimum of 1,250 hours during the 12 months preceding the absence. Any employee awarded paid parental leave must use FMLA concurrently to leave included in this policy. In addition, the employee must be the primary caregiver for the person receiving care.

(c) *Amount, Time Frame and Duration.* Approved paid caregiver leave is compensated at 100% of the employee's regular, straight-time pay and will be paid on a bi-weekly basis on regularly scheduled pay dates. Eligible employees will receive a maximum of 6 weeks of paid caregiver leave per medical issue. In no case will an employee receive more than 6 weeks of paid caregiver leave in a rolling 12-month period. Approved caregiver leave may be taken at any time during the 12-month period. Paid caregiver leave may not be used or extended beyond this 12-month time frame. Time may be taken in a continuous period or intermittently and shall be coordinated with the employee's supervisor, but leave may be denied or scheduled so as to minimize negative impacts to scheduling or coverage. If two employees are spouses and both eligible for leave, the leave may be taken at the same time or staggered as long as not to negatively impact scheduling or coverage.

(d) *Request for Paid Caregiver Leave.* The employee will provide his, her, or their supervisor and the Human Resources Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary Request for Paid Caregiver Leave as well as the request for FMLA forms and provide all documentation as required by the Human Resources to substantiate the request, to include medical documentation certifying the need for additional in-home care.

(e) *Coordination with other policies and benefits.* Paid caregiver leave taken under this policy will run concurrently with leave under the FMLA; thus any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the need to serve as primary caregiver for a spouse, parent or child, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave (whether paid or unpaid) granted to the employee under the FMLA exceed 12 weeks during the 12-month look-back period. Please refer to the Family and Medical Leave Policy for further guidance. After the paid caregiver leave is exhausted, the balance of FMLA leave (if applicable) will be compensated

through the employee's accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. The City will maintain all benefits during the paid caregiver leave. The employee portion of the premium deductions will continue to be withheld as scheduled.

E-16. Time Off for Victims of Domestic Violence and/or Sexual Assault.

(a) The City provides excused leave from work for an employee who is the victim of domestic violence and/or of sexual assault for any of the following reasons:

- To obtain, or attempt to obtain, any relief including a restraining order or other injunctive relief to ensure the employee's health or the health of the employee's child or children;
- To seek medical attention for any injuries caused by domestic violence or sexual assault;
- To obtain services from a domestic violence shelter, domestic violence program or rape or sexual assault crisis center; and/or
- To make court appearances in the aftermath of domestic violence and/or sexual assault.

(b) *Length of the Leave and Pay During Leave.* The maximum length of leave under this policy for any qualifying reason(s) will be the amount of the employee's earned, unused sick, vacation or personal time, or if unpaid, will be eight days per calendar year, whichever is greater. Once the employee's sick, vacation or personal is exhausted, the leave will be unpaid. If an employee is eligible for FMLA leave, and if the reason for the particular absence also qualifies for FMLA coverage, the leave will also be drawn down from the employee's annual FMLA allotment.

(c) *Required Notice and Certification of Need for Leave.* An employee who needs to take time off work for any of the above purposes is required to give the City reasonable advance notice, unless such notice is not feasible. An employee who has provided advance notice will be allowed up to 48 hours after returning from the requested time off to provide supporting documentation, which may include a police report, a court order or other documentation from an appropriate medical professional, domestic violence advocate or counselor. If the absence is unscheduled, the employee must provide the support documentation within 48 hours after the beginning of the unscheduled leave. Notice of the need to be absent for a reason qualifying under this Policy, and all required support documentation, should be provided to Human Resources.

(d) *Confidentiality.* The City will keep confidential, to the extent allowed by law, both the fact that an employee requests or uses leave under this Policy, and all supporting documentation regarding the leave.

E-17. Other Leave/Absences.

- (a) *Meetings, Seminars/Training.* Any employee may be granted absence with pay to attend meetings, seminars and conventions related to the employee's work for the City when such attendance is authorized by the employee's Department Director. These absences will not be charged as vacation leave.
- (b) *Leave of Absence.* An employee, upon written request, and with the recommendation of his/her/their Department Director, may be granted a leave of absence without pay or benefits for a period of up to six months, subject to the approval of the City Administrator. These absences will not be charged as vacation leave. The City cannot guarantee that the position will be available upon the employee's return. No time off benefits or seniority accrue during this leave of absence.

E-18. Request for Leave/Leave Accounting. Leave records shall be maintained by Human Resources through the payroll accounting system. Department Directors shall be responsible for approval of all subordinates' leave requests. The City Administrator shall be responsible for approval of leave requests for Department Directors, the City Clerk, or any other direct report of the City Administrator. Leave accounting shall be accomplished via a form available from Human Resources and shall be returned to Human Resources upon completion.

E-19. Credits for Paid Leave. An employee while on paid sick leave, vacation leave, workers' compensation leave, or other paid leave shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

E-20. Work From Home. Occasional work from home may be granted on an as-needed basis for circumstances such as inclement weather, special projects, business travel, family and medical leave, or other temporary situations as deemed appropriate by the Department Head and City Administrator. It must always be done with prior approval from the employee's manager and Department Director. If an employee is working from home, the work area must be free from distractions and the employee must be available. As all employees are needed at work to serve our citizens, the City reserves the right to deny "working from home" for any business reason.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement – OASDI Benefits (Old Age Survivor and Disability Insurance). All eligible employees and Governing Body members elected after April 1, 1986 of the City are under the federal OASDI Social Security System, and receive appropriate benefits in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution accomplished via payroll deduction.

F-2. Retirement – KPERS and KP&F Benefits.

- (a) All eligible employees (other than police officers) of the City become members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof after enrollment, in accordance with state laws and guidelines. All employees who are contributing members of KPERS are eligible for the

insured death and disability benefits provided by KPERS, which are supplemental to the regular KPERS benefits.

- (b) All full-time police officers become members of the Kansas Police and Fire (KP&F) plan in accordance with state laws and guidelines with eligibility beginning the first day of employment. In addition to the retirement and death benefits, KP&F also provides the employee with disability coverage.

F-3. Workers' Compensation Benefits. Any City employee who sustains a work-related injury or illness may receive the benefits of the Kansas Workers' Compensation Act in accordance with such law and guidelines.

F-4. Unemployment Compensation. City employees may qualify for benefits under the Kansas Employment Security (unemployment compensation) Act in accordance with such law and guidelines.

F-5. Life Insurance. In addition to the death benefits provided under OASDI and KPERS/KP&F, the City provides group term life insurance for regular full-time employees. The cost of this benefit is paid entirely by the employer.

F-6. Deferred Compensation. All employees may choose to participate in IRS 457 deferred compensation plans offered by the City. Under the plans offered, the employee determines the amount of compensation to be withheld annually by the City in compliance with the minimum and maximum allowed by Federal law. The amount selected is forwarded by the City to the employee's selected account and is subject to IRS guidelines.

F-7. Supplemental Retirement.

- (a) **Principal Financial Group.** A non-contributory 401(a)4 money purchase plan is provided for employees not enrolled in KP&F who meet plan eligibility requirements. The City contributes two percent (2%) of each applicable employee's gross salary on a per payroll basis. A vesting schedule is available from the Human Resources Department.
- (b) **Eligibility.** Employees who have completed one year of service and who have worked more than 1,000 hours during that period and are 21 years of age are eligible to participate in the supplemental retirement plan.
- (c) **Money Purchase Thrift Plan.** A voluntary contributory money purchase thrift plan currently with Principal Financial Group is also available for employees not enrolled in KP&F who meet plan eligibility requirements. Each eligible employee may voluntarily contribute during the year an amount not to exceed ten percent of his/her/their current compensation.

F-8. Health Care Program. Upon employment, all employees regularly scheduled for 30 or more hours per week shall be eligible for the City's group health care insurance program. Coverage is also available for spouses, domestic partners and dependents. A part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.

- (a) The City may require employee participation in the cost of benefit premiums.

- (b) When an individual employee is required to contribute because of participation in the City's group health care program, the amount of such contribution shall be a payroll deduction. Health insurance payroll deductions qualify for tax exemption under the City's IRS 125 (flexible spending account) plan and, therefore, are not eligible for deduction by the employee for income tax purposes after year-end.
- (c) An employee on workers' compensation leave will have the employee's share of the cost deducted from any compensation due the employee. In the event no compensation is due, insurance may be extended at the option of the employer and in accordance with Family Medical Leave, if it applies.
- (d) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (e) The City complies with those provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan care coverage upon termination of city employment. Under no circumstances shall any retired or disabled person, or spouse, or domestic partner, thereof, who has attained the age of 65 or qualifies for Social Security Administration Medicare coverage, remain on the City's insurance plan.

F-9. Other Insurance. The City provides the opportunity for full-time employees and their qualified dependents to access voluntary dental, vision, life, cancer, accident, and other insurance protection through payroll deduction from third-party provider(s). The City may participate in the cost of these coverages as established by the City Council on an annual basis.

F-10. City Recreation Facilities. Community center and outdoor pool memberships are provided for full-time employees and their families, and individual memberships for regular part-time employees at no cost to the employee. The cost of the membership is considered a taxable benefit for the employee. Part-time, seasonal and temporary employees are not eligible to receive this benefit.

F-11. Educational Reimbursement. All full-time employees who have been employed by the City for at least one year are eligible for educational reimbursement, including expenses for textbooks, technology fees, and other required supplies, as long as the educational opportunity for which reimbursement is sought benefits the employee in the performance of his/her/their job. Reimbursement will be made after the employee provides proof of completion of the course with at least a 2.0 grade on a 4.0 scale for undergraduate/associate degrees and a 3.0 on a 4.0 scale for graduate degrees. Approval of the City Administrator with Department Director recommendation is required prior to enrollment, subject to budget and funding availability, and the amount may not exceed \$2,000 for any one employee during a calendar year. Employees participating in this program must complete one year of employment for the City following reimbursement; an employee who voluntarily resigns, or who is terminated "for cause," before that time will be required to repay the City any reimbursement provided.

F-12. Retirement Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for a tenure-based percentage of the monthly premium for the following retired employees under the following circumstances and to the following extent:

- (a) The percentage of the premium paid by the City will be based on the employee's tenure with the City upon retirement as follows:
 - 10-14 Years of Service 25% subsidy of lowest plan
 - 15-19 Years of Service 30% subsidy of lowest plan
 - 20-24 Years of Service 40% subsidy of lowest plan
 - 25+ Years of Service 50% subsidy of lowest plan
- (b) The City will pay the appropriate tenure-based percentage (as defined above) of medical benefit costs, not to include dental or vision, less any amount the Social Security disabled employee receives from a future employer's short-term disability plan until the disabled employee receives Social Security Medicare benefits.
- (c) Employees who are under the age of 65 years when they retire and shall have retired within the retirement eligibility guidelines of the Kansas Public Employees Retirement System (KPERS and KP&F) may participate in this coverage.
- (d) Employees who wish to participate in this coverage must elect to do so 30 days or more before their retirement date.
- (e) This tenure-based percentage premium plan is available only to retired employees and their spouses. Status of employee versus employee plus spouse is determined upon date of retirement. A spouse may not be added, nor a different spouse substituted after that date. The City's percent participation is limited to lowest applicable employee or employee and spouse premium rates.
- (f) Employee and child or family insurance coverage may be purchased by retired employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's percentage is limited to employee (applied to employee and child) or employee and spouse basic (applied to family) premium amount.
- (g) This coverage will cease when a retired employee reaches age 65 or becomes eligible for Medicare.
- (h) In the event of the retired employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her/their spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or availability of coverage by spouse's employer. The qualifying spouse shall be responsible for the appropriate tenure-based percentage of the monthly coverage.

- (i) If a retired employee or spouse fails to make his/her/their percentage portion of any required premium payment on time, coverage will terminate and will not be reinstated.
- (j) If a retired employee becomes eligible under a health plan from another employer, this coverage will terminate.
- (k) The City will review annually the program of employer-paid retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the retired employees. Any such amendment, modification or termination may apply to current participants in the program as well as to future participants.
- (l) The retiree premium subsidy may be applied to health insurance (medical plan) benefits only. Retirees may elect to continue dental and vision benefits in accordance with applicable COBRA provisions and 100% of applicable premiums will be the responsibility of the retiree.

F-13. Disability Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for 50% of the monthly premium for the following disabled employees, under the following circumstances and to the following extent:

- (a) Such employee has been adjudicated as being disabled by the Social Security Administration.
- (b) The City will pay 50% of medical benefit cost, not to include dental or vision, until the disabled employee receives Medicare benefits.
- (c) Employees who wish to participate in this coverage must elect to do so within 30 days following the date of disability determination/adjudication.
- (d) This 50% premium subsidy is available only to disabled employees and their spouses. Status of employee versus employee plus spouse is determined upon date of disability. A spouse may not be added nor a different spouse substituted after that date. The City's 50% participation is limited to applicable employee or employee and spouse premium amount.
- (e) Employee and child or family insurance coverage may be purchased by disabled employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's 50% is limited to employee (applied to employee and child) or employee and spouse (applied to family) basic premium amount.
- (f) Notwithstanding subsection (b), this coverage will cease when a disabled employee reaches age 65.
- (g) In the event of the disabled employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her/their spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare

or availability of coverage by spouse's employer. The qualifying spouse shall be responsible for 50% of the monthly premium.

- (h) If a disabled employee or spouse fails to make his/her/their portion of any required premium payments on time, coverage will terminate and will not be reinstated.
- (i) If a disabled employee becomes covered under a health plan from another employer, this coverage will terminate.
- (j) The City will review annually the program of employer paid disabled retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the disabled employees. Any such amendment, modification or termination may apply to current participants in the program, as well as to future participants.

F-14. Retirement/Disability Health Insurance Annual Renewal.

Any retired or disabled employee taking advantage of the coverage offered by F-12 or F-13 above, may be required, on or before October 15th of each year, to produce, in writing from the Social Security Administration, proof of ineligibility for Social Security Medicare benefits in order to remain on the City's health insurance coverage. Failure to do so may result in termination from the City's plan.

F-15. Personal Information and Data.

It is the policy of the City of Mission that protected health information, and/or genetic information, and personal data will be used and disclosed in a manner that respects employees' right to privacy, and only in accordance with privacy regulations and applicable law.

The City will only collect personal information for employees and others if it is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the City includes employee names, addresses, telephone numbers, email addresses, emergency contact information, EEO data, social security numbers, driver's license numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials, credit card information, bank accounts, and other similar information. All pre-employment inquiry information and reference checking records conducted on employees and former employee files are maintained in locked, segregated areas.

Personal information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information or in compliance with valid legal process. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access.

City-generated information, which may include organizational charts, department titles and staff charts, telephone directories, email lists, facility or location information and addresses, is considered by the City to be proprietary information to be used for internal purposes only. The City maintains the right to communicate and distribute such information as it deems necessary to conduct business operations.

Examples of the release of personal employee information that will not be considered a violation of City policy include the following:

- Partial employee birth dates, i.e., day and month may be shared with Department Directors who elect to recognize employees on such dates.
- Personal telephone numbers or email addresses may be distributed to Department Directors in order to facilitate work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes may be shared with Department Directors.
- Employee's employment anniversary or service recognition information may be distributed to Department Directors periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.
- Employee and dependent personal information may be shared with plan providers as required for claims handling or record keeping needs.
- All information available under the Kansas Open Records Act.

If an employee becomes aware of a material breach in maintaining the confidentiality of any confidential information, the employee should report the incident to the Payroll / Benefits Specialist who will investigate, or refer to the appropriate department, all incidents of alleged material breaches of confidentiality in order that appropriate corrective action may be taken.

F-16. Travel and Training.

In order to encourage professional development, it is sometimes necessary to send employees to professional conferences and training both inside and outside the local area. When travel is required, the City reimburses for reasonable, approved and documented travel-related expenses for attending professional conferences and training courses that provide mutual benefit for both the employee and the City, in accordance with City policies. In specific circumstances, the City may consider advancing expenses with specific approval from the Department Director and City Administrator. As a general rule, however, advances are not available.

- (a) Employees must receive approval from their Department Director prior to registering for training. Approval is based on departmental needs, available funding and other factors.
- (b) Employees are responsible for turning in all travel related receipts and documentation within fourteen (14) calendar days after returning from City related travel.
- (c) Authorized Expenses
 - (1) Registration
 - (2) Transportation. The City will cover the cost of the most economical of the following three modes of transportation:
 - Personal vehicle
 - Commercial carrier – tourist class or most economical airline
 - City Vehicle
 - (3) Lodging. The City will cover the cost of reasonable single lodging expenses. When an employee’s spouse accompanies the employee, the City will absorb the cost of the double occupancy rate. The employee is responsible for the spouse’s commercial carrier expense.
 - (4) Meals
 - (a) Overnight travel. When an employee is required to travel away from home overnight for city business the meals will be provided/reimbursed by the City and are excludable as wages to the employee under IRS regulations.
 - (b) No overnight travel. When no overnight travel is required, meals will be the responsibility of the employee.
 - (5) Pay for travel: The City complies with all laws and regulations regarding payment of travel time and work time for non-exempt employees during external training. Hours expectations should be reviewed with the Department Director prior to attending the training.
 - (6) Employees are required to adhere to the same behavioral and professional standards when traveling as they do when at work at the City.

F-17. Per Diem and Mileage. A per diem amount equal to the daily Federal rate for various cities for approved travel and training attendance on behalf of the City is authorized. Mileage reimbursement for the use of one’s personal vehicle on behalf of the City shall be at the approved IRS mileage rate in effect at the time. To be reimbursed for mileage, the employee must submit a request for reimbursement stating where the travel was to, and for what purpose, along with the number of miles for the trip and the amount requested for reimbursement. This payment is excludable as a wage as it is a business connection and adequate accounting/substantiation has been made. All

requests for per diem and reimbursement shall be submitted to the Department Director for approval prior to travel. The City is not responsible for expenses incurred without proper approval.

F-18. Reimbursement Policy for Non Attendance at City Scheduled Functions. Occasionally staff members may be scheduled to attend functions for which the City has paid in advance. The following procedure shall apply if the individual(s) fail(s) to attend the function and the City is unable to obtain a refund.

- (a) Proposed attendee should carefully consider projected date and make every effort to ensure his/her/their schedule permits attendance prior to making a commitment on behalf of the City, make every effort to attend, i.e. do not take on subsequent commitments.
- (b) Staff/attendee should have clear understanding of "last cancel date for refund."
- (c) If attendee must cancel, advise City Administrator or Department Director as far in advance as possible.
- (d) Cancellation should be based on "good faith" reason, i.e., unforeseeable personal or family illness, or a death requiring attention of participant, or an unavoidable and serious conflict of personal nature that will cause undue hardship to the attendee or an unforeseen, work related emergency.
- (e) Staff/individual involved should attempt to find substitute attendee; staff will arrange to replace original attendee, if possible.
- (f) If "good faith" effort is made to attend, City will not seek reimbursement from original attendee.
- (g) If substitute attendee cannot be provided, staff/individual will seek reasonable reimbursement from program, if possible, prior to seeking individual reimbursement.
- (h) Final decision on individual reimbursement requirement will rest with the City Administrator.

F-19. City Provided Vehicles. Vehicles owned by the City are not to be used for personal use except for commuting to and from work or de minimis personal use (within 2 miles of the most direct route to and from work) as allowed by IRS regulations. The personal use of a City owned vehicle will be a taxable benefit to the employee. The City will determine the rule which will be used to value this benefit based on the IRS regulations in effect when the vehicle is assigned to the employee. A list of employees eligible to take City owned vehicles home will be approved annually by the City Administrator.

F-20. Cell Phones. Employees whose work requires that they be accessible by cell phone will be provided a monthly phone allowance paid to the employee through the payroll system and considered a taxable benefit. The dollar amount of the monthly allowance will be determined by the Department Director and approved by the City Administrator annually. Employees may not use their cell phone cameras to photograph non-public documents or information. Likewise, employees are required to respect the privacy of individuals who come to City Hall or other municipal buildings for city business purposes. Please do not take recreational pictures of co-workers without their permission.

F-21. Personal Use of Cell Phones. Minimal personal cell phone use while on duty may be allowed subject to supervisor approval. Employees are encouraged to make personal calls while on breaks. If an employee's use of cell phone is deemed to be excessive, he/she/they will be required to keep it stowed away during work time. Cell phones should be kept on vibrate at all times while at work.

F-22. Purchasing Cards. Employees may be issued a purchasing card (P-Card) in accordance with a program authorized by the Governing Body. Employees will be required to comply with all P-Card program policies and procedures in accordance with a user agreement signed at the time the card is issued. Failure to comply with the terms of the program may result in disciplinary action up to and including termination.

ARTICLE G. DISCIPLINE.

G-1. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to work and perform in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he/she/they does and in helping the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of his/her/their job, it may be necessary for his/her/their Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her/their behavior. Disciplinary action includes a process which may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal of an employee or appointed official.

G-2. Issue Resolution. The City respects and values the opinions and views of all employees. The City supports employees' efforts to bring to the attention of management their questions, concerns, dissatisfaction, or complaints about work-related situations other than alleged harassment and/or discrimination. Reports of alleged harassment and/or discrimination must be raised in accordance with Article J. Employees are advised to communicate their problems or concerns, without fear of retribution, and receive fair and prompt resolution or explanation. Employees are encouraged to bring their concerns first to their supervisor. However, if the employee feels that the supervisor did not satisfactorily resolve the matter, they must submit their issue in writing to their Department Director or, if appropriate, the City Administrator. The issue will be addressed as soon as is practicable and the decision of the City Administrator is final.

G-3. Improper Conduct.

The following is a list of conduct which could result in disciplinary action, up to and including discharge. This list does NOT include every situation, but includes examples only.

1. Conviction by a court of law, or entering into a guilty or no-contest plea, of a violation of the criminal laws of the United States of America or any State. A criminal conviction will not necessarily result in adverse employment action. Factors such as the seriousness of the offense, the nature of the offense, and the relationship of the offense to the employee's position will be taken into consideration.
2. Unnecessarily unsafe or abusive operation of City vehicles or equipment.
3. Violation of City policies pertaining to performance and/or conduct.
4. Incompetent, negligent or unsatisfactory performance.
5. Dishonesty (either by affirmative misrepresentation, or by omission or concealment of material information) in any matter involving the City, or in any matter not directly involving the City, but which could reflect negatively on the City or interfere with the employee's ability to perform his/her/their job.
6. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee while on duty, or off-duty where such conduct reflects adversely on the City or interferes with the violating employee's ability to perform his/her/their job.
7. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee utilizing the City's property or technology.
8. Improper political activity as defined in the Conflict of Interest Policy.
9. Being insubordinate, threatening, intimidating, rude or assaulting a manager/supervisor, co-worker, citizen or vendor.
10. Intentional or repeated falsification of personnel records, time-sheets or other City records.
11. Carelessness, neglect or misuse of City funds or property, including theft, misappropriation and unauthorized private use.
12. Discussing with unauthorized persons any confidential, non-public information gained through City employment.
13. Improper conduct, behavior, or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, whether or not such conduct constitutes legally actionable harassment.

G-4. Disciplinary Procedure.

It is the policy of the City that any employee whose performance is unsatisfactory or who violates any of the City's rules and regulations or standards of employee conduct and behavior shall be subject to disciplinary action. The following disciplinary actions are authorized but should not be considered exclusive, and are in every instance discretionary, based on the specific circumstances. The City reserves the right to adopt whatever level of discipline it deems appropriate in the situation, and may skip any level, including moving directly to termination.

(a) Oral Reprimand

The supervisor should take the following action:

- Meet with the employee to discuss the matter.
- Inform the employee of the nature of the problem and the action necessary to correct it
- Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place

(b) Written Reprimand

The supervisor should take the following actions:

- Meet with the employee to discuss the matter.
- Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
- Review the written report with the employee. After discussing the report, both the supervisor and employee should sign the report.
- Forward to the Payroll / Benefits Specialist and City Administrator the written report of the violations and the action taken with the employee. Such report shall become a part of the employee's personnel file.

(c) Suspension, Demotion, or Dismissal

The supervisor should take the following actions:

- Meet with the employee to discuss the matter.
- Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
- Share the report with the Department Director, who in turn will recommend to the City Administrator suspension of the employee without pay for up to five working days, demotion to position in a lower pay grade, or termination.
- Once a determination is made of the appropriate disciplinary action, the supervisor and/or Department Director will meet with the employee to share the report. Both the employee and the Department Director should sign the report, and it will become a part of the employee's personnel file.

The above steps may be disregarded if the supervisor or Department Director feels that it is warranted by the severity of the situation. The supervisor may at his/her/their discretion discipline the employee and, if appropriate, recommend immediate termination of the employee.

No employee sick leave or vacation leave benefits shall be paid or accrued to any employee while they are subject to a disciplinary suspension. In the case of acts of violence or other flagrant misconduct, allegations of harassment

or discrimination, serious safety violations, criminal offense, or any other matter deemed appropriate, an employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

G-5. Causes for Termination.

While all employees are employees at will and, therefore, subject to termination without cause, incidences may arise where an employee's conduct could result in termination for cause. Some incidents of misconduct may be deemed so serious that they are cause for immediate termination. The following list is not all-inclusive; it is only representative of the types of misconduct which may subject an employee to immediate termination. Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination:

- (a) Conviction of a felony or conviction of driving under the influence.
- (b) Testing positive for alcohol or drugs while operating a City vehicle.
- (c) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (d) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (e) Negligent or willful damage to public property or waste of public supplies or equipment.
- (f) Taking or using any funds or property of the City for personal use or for sale or gift to others, or submitting any false claim to the City.
- (g) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (h) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Director, or knowingly making a false statement to any employee or officer of the City.
- (i) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (j) Absence without approved leave.
- (k) Possession or use of alcohol, while on duty. Sale of or offering for sale or giving away alcohol while on duty or at any City of Mission property.
- (l) Illegal use or possession of any drug or controlled substance, or the illegal presence of any drug or controlled substance in the employee's body at any detectable level while on duty.
- (m) Improper conduct, behavior or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law, whether or not such conduct or behavior constitutes legally actionable discrimination, or any other kind of disruptive, discourteous, or unprofessional behavior.
- (n) Disclosing or using confidential, non-public records or information in conflict with City policy.

- (o) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.
- (p) Material falsification of application or in the course of the interview process for city employment, or making a false statement or report in regard to any test, certification or appointment, or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (q) Giving or attempting to give or receive any monetary consideration, or receive or deliver of undeserved service, to or from any person or organization for, or in connection with, any test or appointment, or City service of any kind.
- (r) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, as defined by something valued at \$25 or more, in the course of his/her/their work or in connection with it; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his/her/their position in the service of the City.
- (s) Discharge of duties in a manner which results in discrimination to any person on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status or any other status protected by applicable law.
- (t) Violent or abusive behavior.
- (u) Any behavior that negatively affects the workplace or co-workers.

ARTICLE H. GRIEVANCES

H-1. General Policy. Any employee, or appointed official, has the right to present a complaint or grievance concerning termination of his/her/their employment or appointment. A sincere attempt should be made by each employee and supervisor to resolve any issue before it becomes necessary to resort to the grievance procedure. Complaints or reports of harassment or discrimination must be submitted and administered under Article J.4 below.

H-2. Grievance Procedure. The following grievance procedure is established:

- (a) Any complaint or grievance shall initially be filed by the employee with his/her/their supervisor within seven (7) days of the notice of termination. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven (7) business days or as soon thereafter as possible. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in

writing to his/her/their Department Director, who shall provide an answer to the employee within five (5) business days or as soon thereafter as possible.

- (b) If the termination is upheld by the Department Director, the employee may forward his/her/their written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she/they has informed the Department Director of his/her/their intentions to do so. The City Administrator will administer a decision within five (5) business days or as soon thereafter as possible. The decision of the City Administrator will be final and binding.

H-3. Grievance Toward City Administrator. Grievances toward City Administrator shall be brought to the attention of the Governing Body through the Mayor. The Governing Body shall provide an answer within seven (7) days of the notice of termination. The decision of the Governing Body will be final and binding.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his/her/their employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her/their immediate supervisor or Department Director, and works the entire notice period without using paid time off. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Director. The City Administrator and Department Directors shall give thirty (30) calendar days written notice. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 90 calendar days following separation may be reinstated under the terms of Section C-2 Recruitment, (f) Rehire. Employee will be reinstated at the salary he/she/they was receiving at the time of termination unless approved by the City Administrator.

ARTICLE J. ANTI-HARASSMENT

J-1. General Policy. It is the policy of the City to maintain a work environment free of discrimination, harassment, intimidation, humiliation, insult, physical, or verbal abuse or actions based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. To insure that this policy is strictly adhered to, the City will not tolerate sexual or any other type of illegal harassment or discrimination by or toward any of its employees, and will take immediate disciplinary or other appropriate action toward any individual who violates this policy. The City will also not tolerate any disrespectful, vulgar or otherwise offensive or unprofessional behavior that may not rise to the level of illegal improper behaviors. The City does not have the ability to act on

improper behavior that is not reported. Thus, employees are required to report any conduct or behavior they witness or experience that may violate this policy. The City prohibits retaliation against any employee who, in good faith, reports any behavior that may violate this policy, participates in any investigation of such a report, or is closely associated with another employee who does so.

J-2. Definition. Prohibited harassment is defined as:

- (a) The threat or insinuation by a supervisor or person in successive authority toward a subordinate employee, either explicitly or implicitly, that the subordinate's submission to or rejection of unwelcome sexual advances will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and
- (b) The subjecting of an employee, by a supervisor, employee, government official, citizen, or other person, to unwelcome conduct, verbal, physical, visual or otherwise, based on any legally protected status or characteristic, which creates an intimidating, hostile, or offensive working environment for a reasonable person.

J-3. Policy.

- (a) No employee, whether supervisory or nonsupervisory, may harass another employee based on any status protected by applicable law. Nor may any government official, citizen, contractor, or other person engage in prohibited conduct toward any City employee in connection with that employee's employment. Prohibited conduct based on of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, includes but is not limited to the following:
 - (1) Unwelcome touching, propositions, advances;
 - (2) Abusive or vulgar language epithets, slurs, stereotypic insults, joking or teasing based on any protected status;
 - (3) Suggestive stereotypic, insulting or degrading jokes or comments;
 - (4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, or similar material based on other protected status including but not limited to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (b) Any employee who believes that he/she/they has witnessed or experienced behavior that may violate this policy shall immediately report all as set forth below in Section J-4. If the allegation involves the City Administrator, such report shall be made immediately to the Mayor.

- (c) All complaints involving claims of discrimination or harassment shall be promptly investigated; the existence of the complaint and the investigation will be treated as confidentially as practical to conduct the investigation.
- (d) Any employee, supervisory or nonsupervisory, found to have violated this policy, whether or not the violation constitutes illegal harassment, will be disciplined, up to and including discharge. Non-employees whose behavior is to have found violated this policy will be dealt with as appropriate to ensure that inappropriate behavior ceases and does not recur.

J-4. Complaint Procedure. Any employee who feels he/she/they has witnessed or experienced conduct, behavior or communication that may violate this Policy 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:

- Employee's immediate supervisor.
- Employee's Department Director.
- Other supervisory personnel.
- Human Resources.
- City Administrator.

The employee should be prepared to provide the following information:

- Employee's name, department and position title.
- Name of the person or persons engaging in the prohibited conduct.
- Date(s) and approximate time(s) of the prohibited conduct.
- The specific nature of prohibited conduct, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the prohibited conduct, or any other threats made against him/her in connection with result of the prohibited conduct.
- Witnesses to the prohibited conduct, if any.
- Whether the employee has previously reported such prohibited conduct and, if so, when and to whom.

After receiving a complaint of prohibited conduct under this Policy, the person receiving the complaint shall immediately advise Human Resources, who will designate someone to assist the employee filing the complaint to document the incident in writing. (If the allegations are about the City Administrator, see J-6 below.) The employee may be requested to sign the written complaint, attesting to the accuracy and truthfulness of the incident.

All information related to the investigation of such a complaint will be treated as confidentially as possible and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter, or as required by valid legal process.

J-5. Review of a Complaint Under this Policy. It is the responsibility of the City Administrator to coordinate and investigate (or designate another suitable individual to coordinate and/or investigate) any complaint brought pursuant to this Policy. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to Human Resources.
- (b) Human Resources will promptly initiate an investigation.
- (c) The investigator shall keep a written record of the investigation, including notes of any oral responses made to the investigator by the complainant, any witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person (other than legal counsel) contacted by the investigator in connection with the investigation.
- (d) The investigator shall notify the employee accused of the violation as promptly as possible of the complaint and the severity of the allegations. (Immediate notification is not necessary if such notification would jeopardize the investigation.) The employee accused of the violation will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint. Likewise, the employee accused of the violation will be instructed not to tamper with the investigation efforts.
- (e) For the protection of the complainant, the person accused of violation, and any witnesses involved in the investigation, unless there is a specific operational necessity to do so, Human Resources, in consultation with the City Administrator may determine in their sole discretion that the Department Director and/or supervisor of either the complainant or the employee accused of the violation (or both) not be informed of the complaint, the investigation, or the outcome of the investigation. If the Department Director and/or supervisor is notified of the complaint and/or investigation, he/she/they will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint or investigation.
- (f) The employee accused of the violation may be given appropriate opportunity to refute the allegations and present information and/or suggest witnesses to be interviewed on his/her/their behalf.
- (g) Based on the investigative report, Human Resources shall determine whether the conduct of the person against whom a complaint has been made constitutes a violation of City policy. In making that determination Human Resources shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any,

occurred. Determination of whether City policy has been violated will be made on a case-by-case basis. Conduct need not constitute illegal harassment to violate City policy.

- (h) After completion of the investigation, in accordance with paragraph (e) above, Human Resources may discuss the recommendations (if any) regarding the employee who was the subject of the complaint, with the employee's Department Director and supervisor, and City Administrator as appropriate. Appropriate disciplinary steps (if any) will be determined and implemented upon approval of the City Administrator. If a violation is found, the City Administrator will report the findings/discipline to the Governing Body.
- (i) Any disciplinary action shall be consistent with the nature and severity of the offense. Considerations may include, but are not limited to, whether there have been previous counseling or discipline, whether the offending party is in a supervisory position, and any other factors the City Administrator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense if it were known, and the light in which it would cast the City if known. The disciplinary action may include demotion and/or suspension, dismissal, oral or written reprimand, re-training or mandatory Employee Assistance Program participation. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- (j) If Human Resources determines that no violation of policy has occurred, he/she/they shall notify the employee accused of the violation of the determination and advise that no disciplinary action is warranted. In that case, only those who have a direct need to know of the situation will be informed of the existence of the complaint, the investigation, and its outcome.
- (k) If Human Resources determines a policy violation has occurred, the violating employee will be notified of that determination and the resulting corrective action be administered. Only those who have a legitimate need to know of the investigation and resolution (including any discipline for any employee found to have violated the policy) will be informed of the existence of the complaint, the investigation, and its outcome.
- (l) The employee making the complaint shall be notified in general of the results of the investigation. If appropriate, the complaining employee may be notified of the discipline, if any, to be administered. In any event, the investigation file will remain confidential.

J-6. City Administrator. In the event the City Administrator is the subject of the investigation, Human Resources will assist the Governing Body in the process and resolution.

J-7. Records of a Complaint and Investigation. All records concerning a complaint and investigation under this Policy shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only to City representatives with legitimate need to have access, and only with approval by the City Administrator and/or in response to valid legal process.

J-8. Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under this policy might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City of Mission may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, is inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City.

ARTICLE K. POLITICAL ACTIVITY.

K-1. General Policy. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this article.

K-2. Activities.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office, or issues impacting Mission, or where holding an appointive or elective public office is incompatible with the employee's City employment.
- (b) City employees may support candidates for other offices and may contribute labor to candidates and organizations that endorse candidates other than for City office. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office.
- (c) Any employee desiring to become a candidate for City elective 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/they shall be returned to employment on the same terms and conditions as any other employee who has taken a 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.
- (d) Political activity of any nature 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, signs, banners or flags on their person or in work areas, break rooms, or locker rooms during duty hours on any City property for any candidate or issue.
- (e) 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.

- (f) 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 retained in, the City service on the basis of their political affiliations or activities.

ARTICLE L. OUTSIDE EMPLOYMENT.

L-1. General Policy. 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 outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial or ethical conflict of interest results from such dual employment. To allow the City to analyze whether all of the above criteria are met, a City employee must disclose the proposed outside employment before it is accepted, or upon hiring by the City, whichever occurs later.

ARTICLE M. WORKER SAFETY.

M-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action. Specific safety policies and procedures are included in the City's Employee Safety Manual or in the guides and policies of specific departments.

M-2. Substance Abuse. As a part of the City's commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City has established a policy on the use or abuse of alcohol and illegal use of drugs by its employees. This policy is explained in detail in section N-5.

M-3. Drug and Alcohol Policy.

- (a) All non-elected City employees, including full-time, regular part-time, appointed, seasonal and temporary employees, are covered by this policy.
- (b) In its desire to provide a drug free, healthy and safe workplace, the City requires all of its employees to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on City property and while conducting business-related activities off City premises, no employee covered by this policy may use, possess, distribute, sell or be under the influence of alcohol; nor may such an employee illegally use, possess, distribute, sell or illegally have in his/her/their body in any detectable amount, of any controlled substance or drug. The legal use of prescribed drugs is permitted on the job only if the use does not impair an employee's ability to safely and effectively perform the essential functions of

the job, or does not endanger the employee or other individuals in the workplace. Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.

- (c) Drug and alcohol testing of applicants/employees may occur in the following situations: in the case of any applicant applying for a City position (regardless of full-time, part-time regular, part-time, seasonal or temporary), after an offer of employment is made; when there is reasonable suspicion of drug/alcohol use on premises or during working hours; and following a vehicle collision when the employee could be deemed at fault and following a workplace accident when the employee is referred for medical evaluation. Random, unannounced drug/alcohol testing of all employees holding safety-sensitive jobs that require a Commercial Driver's License (CDL) will be conducted on a routine basis. Any employee who refuses to take an alcohol or drug test under this policy, or who tampers with or attempts to tamper with such a test, will be subject to disciplinary action, including, but not limited to immediate termination. All employees of the City are provided with and acknowledge receipt of the City's drug and alcohol policy, Section N-5. Substance Abuse by a signed acknowledgement of the Personnel Policy and Guidelines.
- (d) The City offers an Employee Assistance Program that employees voluntarily seeking assistance can utilize. Seeking assistance after a drug or alcohol test has been requested, or after a violation of this Policy has been detected, will have no effect on discipline imposed on that employee.

M-4. Worker's Compensation. City employees are covered by state Workers' Compensation law. To comply with this law, an employee injured on the job, regardless of how minor the injury, must report such incident to his/her/their supervisor immediately, but no later than 24 hours following the incident. The supervisor will arrange for proper medical care and will complete any injury report forms required under the Workers' Compensation law. Because reporting injuries is key to the overall safety program at the City of Mission, failure to timely report any injury may result in disciplinary action.

City Supplemental Pay: The supplemental pay program is voluntary and provided at the City's discretion and is not subject to the provisions of the Kansas workers' compensation law. The program is intended to supplement any rights to Temporary Total Disability (TTD) wage benefits that injured employees may have, so they do not suffer any economic consequences as a result of their injury.

(a) First week (seven consecutive calendar days): Regular employees may receive their base wage during the first week's absence, or any portion thereof, due to an accidental work-related injury.

(b) Weeks two-26: The City may supplement direct from payroll a regular employee's workers' compensation TTD entitlement.

(c) Weeks 27 and beyond: All supplemental pay will be terminated. TTD will be issued by the third-party administrator.

M-5. Returning Injured Employees to Work. It will be the policy of the City of Mission to return employees to work as quickly and safely possible, within the restrictions provided by the physician. However, due to the size of the City's staff, light duty assignments are limited, and cannot be guaranteed. Department Directors, the City Administrator, and/or supervisors will be responsible for attempting to find productive work for each injured employee. The City will attempt to identify alternative or modified work-duty tasks when available.

Temporary restricted duty work reassignment need not be confined to the current department or pay rate to which the employee is assigned at the time of injury. The Department Director will review the temporary restricted duty work reassignment within 30 days. Extensions will be determined by the Department Director and the City Administrator. Light duty assignments will typically not last longer than 90 days.

Returning injured employees to work as soon as possible benefits both the employee and the City of Mission; therefore, the City shall adhere to this policy. Any questions concerning this policy should be addressed to Human Resources.

This policy in no way may be used to diminish the rights and privileges of employees under provisions of the Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

ARTICLE N. OTHER POLICIES.

N-1. Reasonable Accommodation for Disability and/or Religion: The City of Mission offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but who can perform the essential functions of the job, with or without reasonable accommodation. The City will provide a reasonable accommodation upon request for known or disclosed disabilities, provided that the accommodation does not create an undue hardship on the City. Qualified individuals with disabilities may make requests for reasonable accommodation to Human Resources. The City reserves the right to require medical certification of the condition necessitating the requested accommodation, as well as the need for the requested accommodation. Any such medical certification must be submitted to Human Resources, and will be treated confidentially, and maintained in a confidential medical file separate from the regular personnel file. Similarly, the City offers reasonable accommodation; to the extent it does not create an undue hardship, for an employee's religious beliefs or observances. Requests for reasonable accommodation for religion may be submitted to Human Resources.

N-2. Technology Policy: This policy will establish guidelines for the use of the City's computer, communication and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the

mission of the City, and to discourage or eliminate inappropriate use of the equipment. Equipment subject to this Policy will include, but is not limited to, all computers and related hardware and software, voice mail, electronic mail, internet access, internet email, phone systems, network systems, voice and data communications, printers, copy and fax machines, any digital or other type of recorders, cameras, pagers, radios and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public funds. Violation of any provision of this policy may result in disciplinary action up to and including termination, and/or where applicable, legal action.

All users of the City of Mission's technology equipment must adhere to City, State, Federal and International laws governing the use of such equipment. All users of the City of Mission's technology equipment should strive to use such equipment in an efficient, effective, and appropriate manner consistent with the City's mission, and must avoid unethical, unauthorized, inappropriate or any other use of such equipment in a manner inconsistent with good stewardship of public resources.

Use of the City's technology equipment for improper political advocacy, threats, harassment, slander, defamation, profane, obscene or suggestive messages and images, political endorsements, personal activities or gain, commercial activities, or for the production or dissemination of any material which is discriminatory, degrading, insulting or stereotypic with regard to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law is prohibited. Emailing objectionable, unprofessional or inappropriate information from a City email or to a City employee at their City email is also prohibited. Employees should greatly restrict their use of City email for personal emails.

- (a) **No Expectation of Privacy:** No individual or group utilizing the City's technology equipment should have any expectation of privacy in their use of the City's technological equipment. The equipment, and all communication and traffic flowing through the equipment, is managed by the City for the purpose of City business, and authorized representatives of the City may access any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes. Authorized representatives of the City may, without further notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by the City staff.

Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received, electronic files stored on the City's network, and internet sites visited.

Management reserves the right to access, without notice, data or text caches, pager, memory banks, email, voice mail boxes or accounts, and other employer provided electronic storage systems. Management reserves the right to monitor, without notice, the location of City-owned vehicles using GPS technology.

All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is considered City property, and may be accessed by authorized representatives of the City.

- (b) **General Computing and Network Policy:** Users of the City of Mission's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.
- (1) Encryption of communications will be allowed only if it is determined to be necessary for the protection of citizens or employees, or is determined to be an integral part of an employee's performance of their assigned work.
 - (2) No "bios" (basic in and out system) passwords will be allowed unless approved by the Systems Manager or his/her/their designated representative.
 - (3) Users of the City's network services shall not intentionally disrupt or damage any components of the system.
 - (4) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent, or City authorization for a legitimate purpose, is prohibited.
 - (5) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords is prohibited.
 - (6) Any attempt to secure system access privileges other than those assigned by the System Manager or his/her/their designated representative is prohibited.
 - (7) Decryption of system or user passwords is prohibited.
 - (8) The copying or deleting of any software without the authorization of the System Manager is prohibited.
 - (9) Infringement on software licenses and copyrights is prohibited.

- (10) No software may be loaded onto the City's network, or any component of the network, without the advance approval of the System Manager or his/her/their designated representative.
 - (11) The intentional introduction of computer viruses or other disruptive programs into the City's system is prohibited.
 - (12) Sharing of passwords with other users is prohibited.
- (c) **Guidelines for use of Electronic Mail Systems:** Electronic mail, in general, lends itself to a more relaxed and less guarded method of communication, which could lead to misunderstandings and unwarranted liability. All users should adhere to the following guidelines to ensure that City systems for electronic mail production and delivery are used in a manner consistent with the City's policies and practices of quality public service.
- (1) All electronic files and messages on the City's systems are periodically backed up, and generally available for re-creation even if erased.
 - (2) Do not put anything into an electronic mail message that you would not broadcast to the general public.
 - (3) Excessively accessing personal email accounts using the City's network/internet/email systems is prohibited.
 - (4) In all electronic mail communications, be polite and use appropriate language.
 - (5) To help efficiently manage network storage resources, delete all messages from the electronic mail system when they are no longer needed.
 - (6) Be aware that Internet electronic mail transmissions can easily be intercepted and read by others.
 - (7) Do not use electronic mail to send illegal or inappropriate messages.
 - (8) Do not use the City's electronic mail system for sending "junk mail" or "chain letters."
 - (9) Never send electronic mail from someone else's account or electronic mail address posing as that person.
- (d) **Policy on Internet Access/Use:** Use of the Internet should be limited to City business. Accessing "adult entertainment", pornography, illegal, suggestive, racial, ethnic or religious, or other inappropriate material via the Internet at any time from any City facility using either individually-owned or City technology equipment is prohibited. Excessive use of the Internet for personal use during work time may be grounds for disciplinary action up to and including separation of employment.

N-3. Personal Appearance. City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities and as prescribed by departmental policies.

N-4. Workplace Violence. The City of Mission expressly prohibits any acts or threats of violence by any City employee or former employee against any other employee in or about the City's facilities or elsewhere at any time. The City will not condone any acts or threats of violence by anyone against its employees or visitors on the City's premises at any time or while employees are engaged in business with or on behalf of the City. Threats made to a City employee outside of the work environment will be evaluated on a case by case basis. Additionally, threats against other employees will not be tolerated whether they are made in person, by mail, by text, over the phone, on email systems or any other form of technology or means of communication. Please remember that email messages are records of the City. Therefore the City reserves the right to access and disclose all messages sent over this system for any purpose whenever there is a business need to do so.

Employees must report to either their supervisor or Human Resources any violence or threat of violence, where that violence or threat of violence may occur on City premises or in connection with a City activity, whether the source is a City employee, or an outside party. Such activity may include: suspicious workplace activity, situations or incidents including threats that they observe involving current or former employees or visitors. Additionally, employees must report weapons or dangerous unauthorized materials observed in the workplace.

Once management has been made aware of the situation, an immediate investigation will be conducted. Confidentiality will be maintained where practical, but absolute confidentiality cannot be guaranteed. The City will not condone any form of retaliation against any employee for reporting such an occurrence. Any employee who violates this guideline may be subject to disciplinary action up to and including termination.

The City reserves the right to amend this general operational policy, or any portion thereof, at its sole discretion to the extent permitted by applicable State and Federal laws and regulations.

N-5. Substance Abuse.

(1) The City is committed to safeguarding the health of its employees, providing a safe place for its employees to work, and promoting a drug-free community. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems. The City has established this policy to detect users and remove from the workplace employees whose alcohol abuse interferes with their job performance, and those who illegally use drugs. It is also the policy of the City to prohibit the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

- (a) The purpose of this policy is to communicate the City's position on alcohol and illegal drug activity in the workplace, and to provide guidance for implementing related programs within the City.
 - (b) City policies and/or procedures on substance abuse or employee assistance programs, are not intended to create or alter any existing, implied or express contracts, written or verbal, between the City and its employees, independent contractors, or job applicants. The City reserves the right to alter any of its policies, procedures, or programs, at will and without notice to its employees, independent contractors or job applicants.
- (2) All City employees, ~~and~~ appointed officials and appointed board and commission members are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other City policies may apply in these areas to the extent that they do not conflict with this policy. Certain employees may be subject to additional requirements under state and/or federal regulations.
- (3) Substance Abuse Policy Dissemination:
- (a) All employees are to be informed of the City's substance abuse policy. Employees shall be given a copy of the City's substance abuse policy via the Personnel Policy and Guidelines Manual.
 - (b) All applicants shall be informed in writing of the City's policy of pre-employment testing and shall be required to sign an acknowledgement and agreement.
- (4) Definitions
- (a) Illegal use of Drugs: "Illegal drug use" is the use of any drug or controlled substances where the substance is: 1) not legally obtainable or (2) legally obtainable, but not obtained or used in a lawful manner. Examples include, but are not limited to, use of "street drugs," as well as prescription drugs, which are not lawfully obtained or properly used, or are obtained from a doctor or person authorized to prescribe them, but are obtained under false pretenses. The term "illegal drug use" also includes the use of mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for the mind or behavior altering effect, and not for the purpose the substance is manufactured or distributed.
 - (b) Legal Use of Drugs: "Legal use of drugs" means use of drugs or controlled substances or over-the-counter drugs that are legally obtained by the employee, and used for the purpose and at the dosage for which they were prescribed and sold.
 - (c) Supervisor: The term "supervisor" includes any employee of the City that may be responsible for overseeing and directing (on a routine or intermittently basis) the work activities of other employees. This definition would include, but not be limited to, the City Administrator, Department

Directors, captains and sergeants in the police department, public works superintendent, recreation supervisor, and aquatic manager.

- (d) City Property: The term "City property" includes property owned or controlled by the City of Mission, Kansas, and locations where the employee represents the City in any capacity.
- (e) On Duty: The term "on duty" includes all working hours, as well as meal periods and break periods, and all hours when the employee represents the City in any capacity.

(5) Drug Use Prohibitions

- (a) The illegal use, sale, purchase, possession, manufacture, distribution, or dispensing of controlled substances or drugs on City property or during working time is against City policy and is cause for immediate termination.
- (b) It is also against City policy for any employee to report to work or to work with any controlled substance or illegal drug present in the employee's body in any detectable level. Employees who violate this policy are subject to disciplinary action, up to and including termination.
- (c) Legally-used drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is legally taking any controlled substance or drug that might impair safety, performance, judgment, or any motor functions must advise Human Resources before reporting to work while using such medication. A failure to do so may result in disciplinary action. Improper use of controlled substances, prescription or over the counter drugs, even if lawfully prescribed, is prohibited and may result in disciplinary action up to and including termination.
- (d) Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.

(6) Alcohol Use Prohibitions

- (a) The consumption, possession, being under the influence of alcohol, or testing positive for alcohol at a level of .02 or more on City property, or anywhere while on duty, is prohibited and will result in disciplinary action, up to and including termination.
- (c) Employees may be asked to submit to an alcohol test based on reasonable suspicion that their ability to perform work safely or effectively may be impaired. An alcohol test result of .02 or higher will be considered positive.
- (d) Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including termination.

(7) Testing

(a) Testing of Applicants

- (1) Applicants considered final candidates for a position, who have received a conditional offer of employment for a safety-, integrity-, or security-sensitive position, may be tested for the presence of alcohol and/or the illegal presence of controlled substances or drugs as part of the application process.
- (2) Applicants subject to such testing will be advised of the City's pre-employment testing requirements in writing via the employment application and/or the conditional offer of employment, and prior to referral for a physical and/or drug and/or alcohol testing.
- (3) Any applicant for a safety-, integrity-, or security-sensitive position who refuses to submit to, tampers with, makes any attempt to delay, or fails to pass the post-offer pre-employment drug and/or alcohol test shall be ineligible for hire.

(b) Reasonable Suspicion Testing

- (1) Employees may be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired, or that they otherwise are in violation of this Policy. Reasonable suspicion is defined as the reasonable belief that an employee is under the influence of drugs or alcohol, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, the employee's possession of prohibited substances or drug paraphernalia, and/or access to reliable/credible information. Someone trained to recognize the signs of alcohol or drug use or abuse will determine whether reasonable suspicion exists. The person who determines that such a test is warranted will make a written record of the observations establishing reasonable suspicion.
- (2) Factors that individually or in combination could result in reasonable suspicion include, but are not limited to:
 - (a) Direct observation of an individual engaged in drug and/or alcohol-related activity
 - (b) A pattern of abnormal conduct
 - (c) Unusual, irrational or erratic behavior
 - (d) Unexplained or excessive negligence or carelessness
 - (e) Discovery or presence of drugs or alcohol, or drug-related paraphernalia, in an employee's possession while on duty or near an employee's workplace
 - (f) Odor or residual odor peculiar to some drugs or alcohol

- (g) Bodily appearance or behavior suggesting impairment
- (h) Arrest or conviction for a drug related crime
- (i) Information provided by reliable and credible source.

(c) Post Accident Testing: Employees who may have caused, contributed to, or increased the severity of an accident may be tested for the presence of drugs and/or alcohol following an accident that results in a fatality, an injury requiring immediate hospitalization, an injury requiring outside medical attention, and/or damage to vehicles or other property. Employees may be tested under any circumstance in which the City believes that alcohol or drug use may have contributed to the accident.

(1) Testing procedure:

(a) The City will determine for which drugs and/or alcohol testing will be performed.

(b) If the employee refuses to consent to testing, attempt to delay the testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he/she/they may be disciplined up to and including termination.

(c) Test samples will be analyzed by a qualified laboratory or technician selected by the City. All urine or hair samples (type of test to be selected at the City's discretion) will be tested according to the following sequence;

(1) All test samples will be subjected to an initial screening process to detect the presence of controlled substances.

(2) Those samples having a negative screen (no substance present) will be considered to have tested negative, and no further testing will be done on that sample, and

(3) Those samples that test positive on the initial screen will be subject to confirmatory testing.

(d) Employees who consent to testing will be informed of the results by a supervisor or the Department Director or the City's designee. As set forth within, a positive test will result in disciplinary action, up to and including termination.

(e) If the urine specimen is determined to be a "dilute specimen" (urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less) the donor will be required to refrain from drinking excessive amounts of fluids, and to provide (with minimum possible advance notice) another specimen to be tested. The second test shall become the test of record.

- (f) Any employee who adulterates a specimen or who otherwise attempts to invalidate a test shall be subject to discipline up to and including termination.
 - (d) Random drug/alcohol testing of all employees in safety-sensitive positions who have a Commercial Driver's License (CDL) will be conducted on a routine basis. This testing may be conducted unannounced throughout the year. Those selected for testing are chosen through the use of a random computerized system by a provider outside of the City to assure complete objectivity in selection. When notified of selection for testing it will be necessary to report immediately for the testing procedure.
- (8) Disciplinary Action
- (a) Except when part of regular employment responsibilities, any employee engaging in the use, sale, purchase, possession, or distribution of alcohol while on duty, or the illegal use, sale, purchase, possession, distribution, of drugs at any time, or having the illegal presence of a controlled substance or drug in any detectable amount in the employee's body while on duty, is subject to disciplinary action, up to and including termination.
 - (b) The City may suspend employees with or without pay under this policy pending the results of a drug test or investigation.
- (9) Employee Assistance Program (EAP)
- (a) The City regards its employees as its most important asset. Accordingly, the City maintains an EAP, which provides help to employees who, among other things, suffer from alcohol or drug abuse and/or other personal or emotional problems. No employee will be subject to discipline merely for voluntarily seeking EAP assistance. An employee may not, however, avoid discipline for violating the substance abuse policy, or any other policy, by seeking this assistance after the employee is referred for testing pursuant to this policy, or any other violation of this policy, or any other policy, is detected.
 - (b) Any performance, attendance or behavioral problems may result in discipline up to and including termination, even if an employee is voluntarily participating in the EAP.
 - (c) Employees referred to the EAP as a result of a violation of the City's substance abuse policy may continue their employment with the approval of the City, provided that:
 - (1) They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;
 - (2) Immediately cease any and all use of alcohol and/or drugs; and

- (3) Enter into a "last chance agreement," and consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later.
- (4) The City will determine, in its sole discretion, whether an employee will be offered the opportunity to participate in a rehabilitation program (at employee's expense, to the extent not covered by the health plan) or be terminated.

(10) Investigation

- (a) To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right, with or without reasonable suspicion, to search all City-owned or jointly held vehicles, containers, lockers, or other items brought onto City property. Individuals may be required to display personal property for visual inspection when upon City property. Employees may not have any reasonable expectation of privacy in desks, offices, or lockers provided by the City. Nor should they have any reasonable expectation of privacy in any purse, backpack, briefcase, container, clothing items, etc. brought onto City premises. All are subject to search upon reasonable suspicion of a violation of policy and/or law. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to City premises.
- (b) The City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City will cooperate with and may enlist the service of the proper law enforcement authorities in the course of any investigation.

(11) Arrest or Conviction for Drug-Related Crime.

- (a) If an employee is arrested for or convicted of a drug-related crime, the City may investigate the circumstances, and if appropriate under the guidelines set forth above, City officials may utilize the drug-testing procedure.
- (b) As a condition of employment, an employee shall notify his/her/their supervisor of any criminal drug and/or alcohol statute conviction or of any plea of guilty, nolo contendere, or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.

(12) Confidentiality: Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted to Human Resources. In order to effectively address the employees with drug or alcohol problems, it may be necessary for the supervisor to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis, or in response to valid legal process.

N-6. Development of Additional Policies. There may be additional policies developed from time to time and shall be kept on file and made available for employee review at any time. They shall be mandatorily reviewed during initial employee in-processing with the Human Resources Department.

N-7. Confidentiality. All non-public matters regarding the operations, activities, and business affairs of the City of Mission, our citizens, clients, and vendors are to be kept confidential to the greatest extent possible. No City of Mission-related documents, files, records, computer files, citizen lists, citizen requirements, vendor lists, financial information, products, and other related information may be removed from the City's premises without permission from the City of Mission except in the ordinary course of the City business. Do not share information about other employees without their permission. In addition, the contents of non-public City records or information may not be disclosed to anyone, except where required for a business purpose. Any employee leaving the City's employment should return all City of Mission-related information and property. Revealing confidential City information will result in disciplinary or other appropriate action.

Privileged Information

The City of Mission regards employee information as confidential and has established the following guidelines for such information:

Release of Information Within the City

Access to any personnel file is limited to those who have proper authorization and a legitimate business reason, unless otherwise required by federal, state, local law or legal process.

Release of Information Outside of the City

All inquiries, whether by telephone or written request, regarding current or former employees shall be referred to the Payroll / Benefits Specialist. Employees, including supervisors, should not provide any information about current or former employees. Further, no employee may issue a reference letter for any current or former employee without the permission of and review by the Payroll / Benefits Specialist or the City Administrator.

In response to an outside request for information regarding a current or former employee, the City will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former employee, or his/her/their employment with the City of Mission, will be released unless the City of Mission is required by law to furnish any such information.

N-8. Prevention of Occupational Exposure to Bloodborne Pathogens. The purpose of this policy is to provide guidelines for preventing the contraction and spread of infectious disease (HIV virus, hepatitis B virus, and other bloodborne pathogens) to employees and the general public.

It shall be the responsibility of each Department Director to identify those employees who, as a result of their occupation, may be exposed to bloodborne pathogens or other potentially infectious materials. Persons who are reasonably expected to come in contact with potentially infectious materials are required to follow the procedures outlined below.

All employees whose job duties and responsibilities indicate that they are a high risk to being exposed to blood, saliva, and other bodily fluids are subject to this policy.

The department's training coordinator or safety representative shall ensure that all employees in job classifications identified as high risk to bloodborne pathogens complete courses of instruction on prevention of exposure to and transmission of bloodborne diseases.

Employees subject to this policy shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of bloodborne pathogens.

The department training coordinator or safety representative shall insure that records are maintained for a period of three years from the date of training. The training records will include: names and job titles of all department members attending the training sessions, dates and content of training sessions, and names and qualifications of persons conducting the training.

Prevention - HBV Vaccination. All employees in job classifications identified as high risk to occupational exposure to bloodborne pathogens shall be offered (paid by the City) the HBV (Hepatitis B Virus) vaccination. If the vaccination is declined, a waiver must be signed. The waiver may be rescinded by the employee at a later date. The vaccination will be provided after training on exposure and within 10 working days of the initial assignment which creates the risk of exposure.

Exposure. All human blood, saliva, other bodily fluids, and other potentially infectious materials are treated as if known to be infectious for HIV (AIDS) and HBV (hepatitis B virus). Employees are required to utilize appropriate personal protective equipment furnished by the City (gloves, gowns, mouthpieces, masks, etc.).

- (1) Hands shall be washed after removing gloves or as soon as possible after contact with body fluids.
- (2) Contaminated personal protective equipment should be removed immediately and placed in a designated container with liner for disposal.

- (3) Cleaning requirements shall be established for City facilities. Current approved methods include the use of bleach with a solution of 8 ounces/gallon of water and Disinfectant Pine-Sol with a solution of 5 ounces/gallon of water.
- (4) All contaminated towels, gloves, etc. shall be bagged and properly disposed. All syringes, needles, scalpels, etc. shall be disposed of using puncture resistant containers.
- (5) All contaminated waste shall be properly bagged and stored in a trash container marked "Biohazard."

Post Exposure: Evaluation and Follow-up. Employees are required to report an exposure to the City and complete an Exposure Incident Investigation Form and Workers' Compensation "First Report of Injury" form immediately after the exposure.

Following a report of an exposure incident, the City requires employees to receive a confidential evaluation and counseling by the City's designated medical provider.

Supervisors shall be responsible for documenting the route of exposure, HBV and HIV status of the source person if known, and the circumstances under which the exposure occurred. Confidentiality of the involved person(s) shall be maintained.

The City's designated medical provider shall provide post-exposure testing, vaccination, follow-up testing, medical evaluation, and counseling.

Recordkeeping. The Human Resources Department shall maintain a confidential and accurate record for each occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures, the designated medical provider's written opinion and information provided by healthcare professionals.

These confidential healthcare records shall be retained in a secured area with limited access for the duration of the employee's employment plus 30 years and may not be disclosed or reported without the express written consent of the employee.

N-9. Driving On Behalf of the City. To ensure the safety of its employee and any individual that they may come in contact with while performing City business, the City requires that employees who operate a personal vehicle for

City business, whether the vehicle belongs to the City, or is leased on its behalf, or belongs to the individual employee, shall comply with the following:

- Maintain and provide proof of valid liability and property insurance on a privately owned vehicle with limits as specified by the City and/or applicable state requirements;
- Advise their supervisor immediately in the event his/her/their driver's license suspended or revoked;
- Wear seat belts at all times while driving on City business;
- Consent to periodic motor vehicle (MVR) checks;
- Abide by all safety regulations;
- Abide by all traffic regulations, laws and ordinances while driving for the City;
- Drive courteously and practice defensive driving techniques;
- Turn cell phones off or put on silent or vibrate before starting the car;
- Pull over to a safe place if a call must be made or received while on the road;
- Do not text and drive – even when the car is at a standstill at a stoplight;
- Avoid driving after having consumed alcohol beyond the legal limit, and/or drugs, including legal drugs, which may impair an employee's ability to operate a motor vehicle on City business;
- Affirmatively report to Human Resources any driving-related infraction incurred by the employee on or off-duty no later than the first business day following receipt of the infraction.

Further, the City is not responsible for tickets or other traffic citations incurred by employees while on City business. Employees who utilize their personal vehicle for City business will be reimbursed for business mileage at the current rate as stipulated by the travel expense and reimbursement policy.

N-10. Use of Social Media Policy. This policy applies to employees who participate in any form of social media, social networking, or electronic communication tools including, but not limited to, internal and external blogs and websites and any other social media, social networking or electronic communication tool whether known today or developed in the future. The City understands that employees may maintain or contribute to personal blogs, message boards, networking pages and other forms of social media outside of their job function. If an employee elects to engage in social media of any form, they are required to exercise good judgment, abide by Mission policy, and comply with the following:

- (1) **Only on Your Own Time.** Unless you have received advance permission from your manager you may not engage in social media activity on work time.

- (2) **Post as Yourself.** Do not speak or post as a representative of Mission or use Mission's name in your username, screen name, etc. It must be clear that you are expressing your personal views only, not the views of Mission or its other employees.
- (3) **Be Respectful.** As an employee of Mission, you are representing Mission just as you would in any public forum, and you should exercise discretion, thoughtfulness and respect for Mission, its employees, its customers, its business contacts, and its competitors.
- (4) **Comply with Harassment and Other Policies.** Employees may not use social media technology to engage in or post communications or material that would violate any other policies which apply to you as an employee of Mission, including, but not limited to, the Mission anti-harassment policy, general internet usage policy, alcohol and drug use policy, or Personnel Manual. Among other things, employees may not use social media technology to post communications or materials that are derogatory or offensive toward City employees with respect to race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (5) **Confidentiality.** Employees may not disclose Mission confidential or proprietary information through social media or otherwise. Confidential information includes non-public financial information, proprietary processes or technology, confidential personnel information, etc. All social media technology is also subject to any other confidentiality agreement that you may have entered into with Mission.
- (7) **Use Good Judgment.** Because what you say online is accessible to the public, including Mission and its employees, use good judgment in your communications.

N-11. Break Time for Nursing Women. The City provides female employees who are nursing with reasonable break times during normal working hours to express breast milk. The City encourages female employees to use regularly-scheduled breaks during the work day to express breast milk. However, the City also permits a female employee to take additional, unpaid breaks each work day for up to one year after the birth of her child as reasonable and necessary to express breast milk. The City will designate an area as a private location where female employees who are nursing may express breast milk.

N-12. Smoking Policy. Smoking and the use of smokeless tobacco, e-cigarettes/pipes and other tobacco and nicotine products shall not be permitted in any enclosed City facility or vehicle. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms and all other enclosed facilities. This policy applies to all employees, contractors and visitors. Smoking shall be permitted only in designated areas. No Smoking signs are posted in all City facilities. Those employees who smoke

and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support. The success of this policy will depend on the thoughtfulness, consideration and cooperation of both smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy. Employees who are aware of violations of this policy are encouraged to report them immediately to Human Resources. Please do not attempt to enforce the policy or confront a violator yourself. Failure to adhere to this policy may result in disciplinary action, leading up to and including termination. The City reserves the right to develop and implement additional no-smoking policies.

N-13. Weapons Free Work Place and Possession of Personal Firearms. It is the policy of the City of Mission to ensure a safe and secure work environment, free from intimidation and threat of physical harm. To this end, the City reserves the right to limit and/or prohibit any and all weapons in the workplace, at City sponsored functions, in or on City property, or in City vehicles. For purposes of this section, the term "weapons" includes firearms (other than those excluded under K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act); knives, swords, switchblades, razors, and the like (other than small pocket knives, utility knives, and the like with a blade of less than three inches in length, or kitchen utensils while in use); clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent to go armed, or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public (including but not limited to pepper spray, mace, and other personal defense sprays) or concealed personal firearms as authorized under the K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act.

Employees who are authorized by the State of Kansas to carry concealed personal firearms pursuant to K.S.A. 75-7c01 et. Seq., the Personal and Family Protection Act, may exercise their right to carry concealed personal firearms in any unsecured municipal building which is not posted as prohibiting the carrying of concealed weapons. Use or possession of a personal firearm pursuant to the Personal and Family Protection Act or otherwise, is not regarded as conduct within the scope of employment. In addition, under any and all circumstances, the use and possession of a firearm shall be in accordance with and only as authorized by law.

1. All employees are prohibited from carrying, possessing, using or transporting firearms, other than concealed firearms authorized under the Personal and Family Protection Act, during the course of employment, while performing services representing the City, or while wearing City apparel.
2. Any employee carrying a concealed firearm pursuant to the provisions of state law must keep said firearm completely concealed on their person, in a proper holster or similar product, with all safety features in place.

3. It is the sole responsibility of the employee to maintain control of his or her concealed firearms and ammunition by ensuring that such firearm is on his or her person and attended to at all times unless stored pursuant to subsection 5 below.
4. If an employee elects to lawfully carry a concealed firearm, said firearm cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
5. When not properly concealed on their person with safety features in place, a personal firearm shall be stored in the employee's personal vehicle. Employees must ensure that personal firearms stored in personal vehicles must be stored out of plain view from the exterior of the vehicle and that the vehicle is locked and secured.
6. Employees who enter upon or in "private property" during the course of their duties are required to comply with any restrictions imposed by that property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General.
7. It is prohibited for any City employee to brandish, intentionally display, joke about using the weapon, use, discharge, point, engage in even slightly risk behavior involving the weapon, or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
8. An employee's failure to maintain a firearm in a fully concealed manner and secured manner or stored as described herein could result in discipline, up to and including termination.
9. In the event that a City employee discharges a firearm while on duty, the Mission Police Department shall administratively investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator will determine what constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.
10. Subject to other policies and procedures of the City of Mission and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Mission. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement. The City will not provide for, reimburse or pay attorney fees or other costs in defense of any employee if deadly force is not a function of their position.

A violation of any portion of this policy may result in disciplinary action, up to an including termination.

**PERSONNEL POLICIES AND GUIDELINES
CITY OF MISSION, KANSAS**

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for personnel administration in the City of Mission 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 guidelines for performance evaluation and compensation based upon the relative duties and responsibilities of each position, and to promote a fair and equitable wage or 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 discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law.
- (e) Establish City employment and personnel policies. These policies and guidelines do not create contractual employment rights. **All employees are considered to be at-will employees for the purposes of city employment.**

A-2. Administration and Application of Policies. These personnel policies and procedures shall be administered by the City Administrator. It is the responsibility of Department Directors to ensure that all employees are aware of, and comply with, these personnel policies and guidelines. Each employee will be required to sign an Employee Acknowledgement Form annually indicating he/she/they has access to, or received, read, and understands the contents of this Personnel Policy and Guidelines booklet. These policies and guidelines shall apply to all employees, appointed officials and appointed members of all boards, commissions and committees in the service of the City except elected officials.

A-3. Departmental Guidelines. The Director of any City department may formulate in writing reasonable guidelines for the conduct of the operations of his/her/their department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines adopted by the Governing Body. Where such conflict may occur, the City's Personnel Policies and Guidelines shall prevail.

A-4. Personnel Records. The Payroll / Benefits Specialist shall keep accurate records of all persons employed, their classification and 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 Personnel Policies and Guidelines or under applicable state or federal laws. An employee's personnel file shall be available during office hours for inspection by that employee or respective Department Director. Requests must be made in advance, and an appointment will be scheduled for viewing the file. Any other request for non-police personnel information by a non-government entity must be issued with a subpoena or approved by the City Administrator.

A-5. Amendment of Policies. These policies shall be adopted by ordinance by the Governing Body. Amendments may be adopted from time-to-time in the same manner based upon recommendations by the City Administrator or as proposed by the Governing Body. These policies are, therefore, subject to immediate change, in whole or in part, at the discretion of the City Administrator and as adopted by the Governing Body. Any implemented change will be effective immediately and notice of the change will be posted as soon as possible thereafter. Likewise, these policies and guidelines may be terminated or withdrawn, and with them, any underlying benefits described, at any time at the Governing Body's sole option.

A-6. Governing Body-Employee Relationships. Except for the purpose of inquiry, members of the Governing Body shall deal with administrative services and requests through the City Administrator. No member of the Governing Body shall provide direction, criticism or discipline to any subordinate of the City Administrator, either publicly or privately. While friendly and open relations are encouraged among Governing Body members, Department Directors, and employees, requests for information or service will normally be routed through the City Administrator's office in order to maintain the integrity of the administrative process.

A-7. Equal Employment Opportunity and Affirmative Action. The City of Mission, Kansas hereby recognizes its commitment and dedication to Equal Employment Opportunity. By implementing this policy, the City reaffirms its commitment to continue to select, compensate, develop, promote, and discipline (up to and including discharge) employees based on their individual abilities, qualifications, and job performance without discrimination on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. The City will consider age or sex if it is a bona fide occupational qualification, and will consider disability for purposes of analyzing reasonable accommodation, or in cases where a disability renders an individual unable to perform the essential functions of the position he/she/they holds or has applied for, and reasonable accommodation cannot be provided.

A-8. Genetic Information Policy. The City does not discriminate against any applicant or employee because of that individual's genetic information (including information from genetic tests, the genetic tests of family members,

the manifestation of a disease or disorder in a family member, family medical history, or information about any employee's, applicant's or family member's request for or receipt of genetic services). Nor does the City improperly request, require, or purchase any genetic information. Testing for drug or alcohol use is not considered "genetic testing," and may be required by the City in appropriate circumstances. Any specimen(s) gathered for drug and alcohol testing will not be tested for any genetic information.

- (a) *Inadvertent and other Lawful Acquisition.* To the extent the City receives information about an applicant's or employee's family medical history or other genetic information inadvertently or otherwise (e.g., in the administration of a leave or accommodation request), that information will not be used except as required for any legitimate purpose (e.g., to consider an employee's leave request relating to a family member's medical condition), and will be treated and maintained as a confidential medical record and will not be disclosed except as allowed or required by applicable law.
- (b) *Non-retaliation.* The City will not retaliate against any individual because the individual honestly and in good faith makes a complaint of discrimination based on genetic information, and/or participates or cooperates in an investigation of alleged discrimination based on genetic information, or of any other alleged violation regarding the acquisition or use of genetic information. Employees who feel they have been retaliated against for making a complaint or participating in an investigation should immediately report the circumstances or incident to the Payroll / Benefits Specialist or the City Administrator.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. Objectives and Purpose. Position classification is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each full-time City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or multiple positions within the same classification. These groupings shall be known as the Classification Plan. The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Governing Body. The Classification and Pay Plan adopted April 2019 is the City's official Classification and Pay system, is subject to annual review and revision, and the most recently approved plan is hereby incorporated by reference.

B-2. Job Descriptions. Each position may have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position, physical requirements, and a statement of the qualifications for filling such positions. Such descriptions shall be approved by the City Administrator and shall be kept on file in the Human Resources office and shall be open to inspection by any interested party during regular office hours.

B-3. Pay Range Plan. The Governing Body shall adopt a pay plan, with guidelines for minimum and maximum amounts for each classification. The pay range serves only as an approximate guideline as individual circumstances may vary. The pay ranges assigned to each class of positions shall be reviewed at least annually by the City Administrator who shall make periodic recommendations for revision to the Governing Body. The City Administrator, after consultation with Department Directors, shall approve advancements and appropriate pay increases within the approved pay plan and position classification system.

B-4. Maintenance of the Classification Plan. It shall be the duty of each Department Director to report to the City Administrator any and all proposed organizational changes which will significantly alter or affect changes in existing positions or proposed positions. The City Administrator is responsible to approve all new or revised job descriptions and recommend appropriate pay ranges for such positions to the Governing Body for approval.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- (a) *Full-time Employee* is one employed to work a normal workweek of at least 40 hours on a regular and continuing basis.
- (b) *Regular Part-time Employee* is one employed to work less than a normal workweek on a regular and continuing basis and requires at least 1,300 hours of work per year. This employee may be eligible for certain pro-rated leave and benefits.
- (c) *Part-time Employee* is one employed to work less than a normal workweek and requires less than 1,560 hours of work per year.
- (d) *Seasonal Employee* is one employed to meet seasonal work demands for the duration of the program such as, but not limited to, community center, swimming pool and public works employees.
- (e) *Temporary Employee* is one employed for less than six months in a calendar year.

C-2. Recruitment.

- (a) *Announcement of Vacancies:* Notice of vacancies may be disseminated by posting announcements at City facilities, announcing the vacancy in weekly staff meetings, by sending announcements to various newspapers and other organizations appropriate to the level of job, and/or by posting on the Internet and City of Mission web page.
 - (1) In accordance with the policy of providing promotion from within the organization, with the exception of appointed officials, when qualified personnel exist, a job vacancy need not be announced publicly when such internal promotion is possible. In such a case, although the position may not be externally posted, it may be internally posted to allow internal candidates to apply.

- (2) Any vacancy may be filled from inside or outside the City service. The City reserves the right to seek external applicants simultaneously with reviewing internal candidates.
- (b) *Content of the Announcement:* The announcement shall specify the class title and salary range of the class from which the vacancy is announced; the nature of the work performed; the minimum qualifications required for the performance of the work; the time, place and manner of making application; the closing date for receiving applications and other pertinent information.
- (c) *Application:*
- (1) All applications shall be made on forms prescribed by the City and shall be filed no later than the closing date specified in the announcement. Applications shall contain only that information considered relevant to the duties and qualifications specified for the job in accordance with the Equal Opportunity Policies. Applications are taken for specific openings only and will be retained after the specific opening is filled for a period of one year.
- (2) All applications shall be signed by the applicant and the truth of the statements contained therein certified by such signatures. The City may require such proof of information contained in the application as deemed appropriate.
- (3) Applications may be picked up at City Hall or downloaded from the City's website when applications are being accepted for job openings.
- (d) *Screening:* The Department Director or his/her/their designee shall review applications and conduct interviews with candidates who meet minimum qualifications. Recommendations for hiring employees are made by Department Directors. As personnel officer for the City, the City Administrator has final authority to hire except as noted in (e) below.
- (e) *Hiring and Termination of Department Directors:* The City Administrator shall have the power to hire and remove (in accordance with these Personnel Policies and Guidelines approved by the Governing Body) all subordinate employees of the City of Mission. The Governing Body shall approve the City Administrator's recommendation for the hiring of all Department Director level positions and the City Attorney. Department Director positions include, but are not limited to: Assistant City Administrator/Finance Director, Assistant to the City Administrator, Public Works Director, Chief of Police and Parks and Recreation Director. The City Administrator will advise the Governing Body of the pending termination of Department Directors, appointed officials or board and commission members.
- (f) *Rehire:* After separation with the City for more than 90 days, other than layoff, a former employee may be eligible for rehire without credit for prior service or seniority. Hiring managers who wish to rehire previous employees who were terminated other than "for cause" reasons must seek prior approval from the City

Administrator. If approved for rehire, such employee will be considered a new employee. Any employee who is terminated for cause from the City of Mission's employment will **not** be eligible for future City employment, and depending upon the circumstances may be subject to criminal prosecution.

C-3. Qualifications of Employment. Each applicant shall complete a job application and all other necessary forms as required. The application will require that the applicant clearly articulate their qualifications.

- (a) A medical examination may be required after an offer of employment has been extended; provided, that such exams are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the examination confirming that the applicant can perform the essential functions of the offered position, with or without reasonable accommodation, and without posing a direct threat to the applicant or to any other person.
- (b) A drug/alcohol test may be required after an offer of employment has been made for any safety-, security-, or integrity-sensitive position; provided, that such exams or testing are required of all such applicants who are offered employment in the same position(s). The offer of employment is contingent upon the applicant passing any such required test.
- (c) A background check and/or credit check may be required for certain positions. All background checks will be performed in compliance with applicable law.
- (d) *Age Requirement:* Minimum age requirements shall be established only for positions which might require a valid Kansas Driver's License, applicable federal and/or state laws regarding the employment of youth, or as otherwise determined by the City Administrator, with the exception of employment in the Police Department where the minimum age requirement is twenty-one (21).
- (e) *Residence Requirement:* Employees shall not be required to live in the City limits, but they are encouraged to do so. This is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. All Department Director level positions and the City Attorney may be non-residents of the City, provided however that such non-residents shall establish and maintain residency within a thirty (30) mile radius of the City of Mission. The City Administrator, in consultation with the Governing Body, may consider and approve exceptions to the residence requirement outlined above.
- (f) *Disqualification:* An applicant may be disqualified if:
 - 1) The applicant does not meet preliminary requirements established for the pertinent class.
 - 2) The applicant has established an unsatisfactory employment record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
 - 3) The applicant has made a false statement of material fact in the application or on their resume.

- 4) Failure of medical examination (i.e. a medical examination that indicates the applicant cannot perform an essential function of the position with or without an accommodation, or poses a direct threat by doing so, and reasonable accommodation is not possible or feasible);
- 5) Failure of a drug/alcohol test (in the case of an application for a safety-, security-, or integrity-sensitive position).
- 6) Unsatisfactory background and/or credit. A criminal conviction or negative credit history will not necessarily disqualify an applicant. Factors such as the date of the occurrence(s), seriousness of the occurrence(s), nature of the offense, and the relationship of the offense or occurrence, and the position applied for, will be taken into consideration.
- 7) Failure to receive "Employment Authorized" results during eVerify processing. Employee will be given adequate time to resolve discrepancies or contest a mistake. In the event eVerify returns a "final nonconfirmation" of an employee's legal rights to work in the United States, the employee will be terminated.

C-4. Training Period.

- (a) In order to achieve a minimum level of competency, each employee, following initial employment, shall undergo a training period. For police this is one year and for all other employees it is six months.
- (b) Each employee promoted to a new classification with higher pay shall also undergo a training period in order to achieve minimal competency in the new position. An employee may be returned to the pay and position he/she/they held immediately prior to the promotion or to a position with equal pay and responsibility if a minimal level of competency cannot be demonstrated within a time period of up to six (6) months, as determined by the Department Director and City Administrator.
- (c) The provision of a training period does not guarantee the employee employment for that duration, or any specific duration. City employees remain employees "at will" throughout, and following, any training period.

C-5. Promotion. It is the policy of the City to fill vacancies for supervisory, skilled and upper-level positions from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. Each applicant shall complete a job application or submit a detailed resume and all other necessary forms as required. A medical examination or (in the case of a safety-, security-, or integrity-sensitive position) drug/alcohol testing may be required after an offer of promotion has been made; provided, that such exams or testing are required of all such employees who are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon the applicant passing any required test(s).

C-6. Nepotism.

- (a) In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be hired who is a family member of anyone on the City's Governing Body. "Family member" shall be defined as parent, spouse, domestic partner, child, sister or brother, grandparent, grandchild, in-law (mother, father, grandparent, brother, sister, daughter, son), first generation aunts, uncles, nieces, nephews or cousins. Relatives by adoption, step-children and step-parents are included in this definition. However, an employee who is an immediate family member of the Governing Body and who is employed prior to such member taking office, shall retain his/her/their employment with the City.
- (b) If one City employee becomes a "family member" of another City employee after they are both employed, the two employees may not remain in the same supervisory chain. If they are in the same supervisory chain at the time they become "family members," one must be moved to another department and/or out of the supervisory chain within 90 days. If an appropriate position is not available then one of the employees must separate from City employment within the same 90 day period. If the affected employees cannot decide who will separate, then the Department Director, in consultation with the City Administrator, will determine which employee to retain.
- (c) This provision shall not prevent the hiring in a part-time position of an individual who is a "family member" of another City employee (as distinguished from an individual serving on the City Governing Body); provided, however, that no part-time employee shall be directly supervised by a family member.

C-7. Commercial Driver's License. The City requires those employees who will be operating trucks, which by Kansas law require a commercial driver's license to operate, to obtain and maintain the appropriate license as soon as possible but no later than six (6) months from the date of employment. To receive reimbursement for the expense of obtaining or maintaining such CDL, employees must submit a claim for reimbursement with the paid receipt showing the cost of the commercial driver's license. Since the commercial driver's license is required by the City for employment and to perform the required duties, the reimbursement is excludable as a wage to the employee. Any CDL employee who receives a moving violation or has their license suspended or revoked must advise their supervisor immediately.

ARTICLE D. COMPENSATION

D-1. Compensation Plan.

The salary of each employee of the City will normally be set at least annually at an amount within the pay range of the position class to which the employee is assigned, or put on a plan to reach the range minimum within a reasonable period of time. Such determination shall be made by the City Administrator with the advice of the Payroll and Benefits

Specialist and the appropriate Department Director. An employee's continued employment at the salary rate within the class assigned to him/her/they shall be contingent upon the provisions outlined in Sections D-2 and D-3.

D-2. Pay Increases.

(a) Department Directors may recommend periodic pay increases for employees based on performance evaluations submitted by the employees' immediate supervisors. Performance evaluations and recommended pay increases will be reviewed by the Department Director and forwarded to the City Administrator for approval.

(b) Periodic pay increases shall not be routine or automatic and are subject to approval by the City Administrator.

D-3. Performance Evaluations.

(a) Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

(b) An evaluation of the performance of each full-time and part-time employee, based on his/her/they duties and responsibilities, may be prepared by the employee's immediate supervisor (but is not required) at least annually. Any such evaluation may be in writing on forms approved by the City Administrator. The supervisor may (but is not required to) evaluate in writing, at least quarterly, any employee who has received a less than satisfactory overall performance rating during the past year. An employee-in-training may be (but is not required to be) informally evaluated at the half-way point of the training period, and at the completion of his/her/their training period. If an evaluation is performed under any of the circumstances outlined above, the supervisor will present each evaluation to the employee and allow the employee the opportunity to respond. Less than satisfactory evaluations shall be reviewed and approved by the Department Director prior to presentation to the employee. On an annual basis the City Administrator, in cooperation with the Mayor, may (but is not required to) perform a review of all Department Directors.

D-4. Pay on Termination.

(a) An employee who is terminated will receive his/her/their final paycheck on the first regularly scheduled payday following his/her/their termination.

(b) Employees discharged for cause, and those who voluntarily terminate without giving a minimum of ten (10) working days' notice, may not be eligible to receive pay for any accrued benefits other than unused vacation days. See Section E-3(b) as to employees-in-training.

D-5. Timekeeping for Non-Exempt "Hourly" Employees; No Working "Off the Clock"; Reporting Process

- (a) The City intends to fairly and appropriately pay all non-exempt (overtime-eligible) employees hour-for-hour for all time worked on behalf of the City. Whenever work is performed for the City, whether during the regularly-scheduled shift, before or after the regular shift, or during meal breaks, the City intends to pay non-exempt employees for that time. Employees are required to accurately and truthfully record all time they work for the City; non-exempt employees are specifically prohibited from performing any work for the City "off the clock." Failure to accurately and truthfully record all time worked, whether the effect is to report more or less time than actually worked, is a violation of City policy and may result in discipline up to and including termination.
- (b) Unless specific advance approval is given by the employee's manager or supervisor, non-exempt employees are prohibited from taking work home or performing any services (including monitoring email or voice mail, or responding to phone calls) for the City from remote locations and/or outside of normally-scheduled hours, via electronic communication devices or otherwise. If it is necessary for a non-exempt employee to respond to a specific request outside of the office and outside of scheduled working hours, the employee must report all such time worked. Employees who perform work off-premises without prior approval are subject to discipline, up to and including termination.
- (c) No one has the power to allow or ask, directly or indirectly, any non-exempt employee to perform any work for the City "off the clock." There may be times when operational needs require employees to be assigned work before or after the regularly scheduled shift, or during meal breaks. In all cases, all time worked must be reported on time records, and will be compensated. Any employee who is aware of any non-exempt employee being allowed or asked, directly or indirectly, to perform any work for the City "off the clock" should immediately report the situation to Human Resources. The City will assure that any unpaid wages due are paid, and there will be no retaliation against any employee for reporting any prohibited "off the clock" work, or request for prohibited "off the clock" work.

D-6. Overtime Compensation (for overtime-eligible employees).

- (a) Employees holding exempt positions (as defined by the Fair Labor Standards Act) are ineligible for overtime compensation. Full-time employees are generally paid for actual hours worked in excess of any pre-arranged workday schedule. Section D-7 Flexible Scheduling, describes exceptions to this provision.
- (b) The City's policies at least meet, and often exceed, the basic requirements of any applicable wage payment laws. To assure compliance, the following baseline regulation is set forth: Non-exempt personnel shall be paid overtime for actual hours worked over 40 hours in a work-week.

- (c) A non-exempt employee shall not be permitted to work in excess of their normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City, and such work is assigned by the supervisor.
- (d) All overtime work must have prior authorization by the employee's Department Director or supervisor in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and shall provide such records as appropriate to the Human Resources Department for payroll calculations. Working unauthorized overtime may be cause for disciplinary action.
- (e) Compensation for overtime work shall be at the rate of one and one-half times the employee's regular rate of pay. Overtime is rounded and tracked in 10-minute increments. Overtime compensation shall be paid no later than the first payday following the pay period in which the overtime work was performed.
- (f) Non-exempt employees shall be eligible to receive overtime compensation for all hours worked in excess of their normal workweek. Paid vacation and paid holiday hours will count as "time worked" for the purposes of computing overtime. Personal leave, job related injury leave, compensatory time, funeral leave, civil leave, and sick leave are not counted as "time worked" for the purposes of computing overtime.
- (g) Time spent regularly or occasionally "on call", where the employee is not confined to his/her/their home or any particular place, but is required to leave work where he/she/they may be reached or carry a cell phone or pager, is not considered compensable time for base pay or overtime purposes unless the employee is called in for an assignment.
- (h) Non-exempt employees who are called in for an unscheduled assignment, or to work at a time that is outside of their normal work schedules will receive a minimum of two hours pay. Non-exempt employees who are required to work at a time that is less than two hours before the beginning of their normal work schedule do not qualify for the minimum two-hour payment; they will be credited for actual time worked. Pay for call in begins at the time the employee arrives at the work site. Non-exempt employees are required to work overtime as needed and requested by their supervisor.

D-7. Compensatory Time

The City will not routinely offer compensatory time in lieu of overtime payments. However, if it is offered the following procedures will apply:

- (a) At the discretion of the Department Director, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. The decision to use compensatory time in lieu of cash pay must be made and the employee informed before the overtime occurs.
- (b) Any compensatory time shall be accrued at the rate of one and one-half times the number of hours worked and is accruable up to 240 hours for non-public safety employees and 480 hours for public safety

employees. Accrued compensatory time must be used within 12 months of occurrence or it will be paid at the rate earned at the end of the 12 month period.

- (c) Compensatory time may be used for the same reasons as set out in these Personnel Policies and Guidelines for sick, vacation and personal leave, and based on the purpose of its use, must be scheduled in accordance with City or department policy.
- (d) All overtime work and utilization of compensatory time off must have prior authorization by the employee's Department Director in accordance with the City's policy. The Department Director shall maintain records of any overtime worked and compensatory time taken and shall provide such records as appropriate to Human Resources for payroll calculations.
- (e) Upon termination of employment, available accrued compensatory time will be paid to the employee and will be calculated at the final regular rate of pay received in accordance with (b) above.

D-8. Flexible Scheduling. If a supervisor and non-exempt employee agree in advance, the supervisor may allow an employee to work in excess of the prearranged work day schedule in order to take off time on another day during the same work week. The worked time and the time used are a one for one ratio. The time sheet must clearly reflect the actual times worked. Flexible scheduling should be done within a single work week and should not result in an overtime situation.

D-9. Holiday Compensation.

- (a) In the event that the traditional date of any holiday shall fall on a Saturday, City offices will be closed on the preceding Friday. The City offices will be closed on the Monday immediately following when the traditional holiday date falls on a Sunday. A police officer of the rank of sergeant and below will be given a bank of 80 hours of Holiday Time (equal to ten 8 hour shifts) to be taken with scheduling and supervisor approval. This method is to accommodate the need for 24x7 staffing with each 8 hour shift being used in lieu of a City observed holiday. Police holiday pay must be taken in 8 hour segments. If upon employment termination, the officer has taken more Police holiday time than City holidays have occurred, the compensation for those hours will be refunded to the City with their final pay. The Chief of Police may implement a departmental holiday policy which permits holiday scheduling which will not interfere with department operations.
- (b) All full-time non-exempt, non-police employees shall receive 8 hours of straight time pay for every city observed holiday (Holiday Pay). In the event a full-time non-exempt employee is required to work on a city observe holiday, that employee will be paid straight time pay for all hours worked in addition to the 8 hours of holiday pay.
- (c) Regular part-time employees shall be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. The amount of pay shall be equal to the wages they would have

earned for the number of hours they would have been scheduled to work on that day. In the event that a holiday falls on a regular part-time employee's scheduled day off, the employee shall take off the scheduled workday preceding or the scheduled workday following a holiday.

- (d) Seasonal, temporary, and part-time employees shall not receive paid holidays.
- (e) To be eligible to receive pay for a City holiday, an employee must not have been absent with unapproved leave either on the workday before or the workday after the holiday.

D-10. Pay Periods; Paydays.

- (a) The City shall pay all full-time, part-time, seasonal and temporary employees bi-weekly, on alternate Fridays.
- (b) The City shall pay all appointed officials monthly, on the second payday of the month.
- (c) The workweek is defined as Sunday through Saturday.

ARTICLE E. ATTENDANCE AND LEAVE

E-1. Hours of Work.

- (a) *General Employees.* The normal workweek for regular full-time employees shall be a minimum of 40 hours per work-week on a set schedule to be assigned by the Department Director.
- (b) *Police Officers.* The normal workweek for full-time police officers shall be an average of a 40 hour workweek. The work period shall exclude uninterrupted mealtime.
- (c) *Normal Work Hours.* No employee shall be permitted to work in excess of his/her/their normal work-week except when so directed by the employee's Department Director or immediate supervisor.
- (d) If an employee is absent without leave and without acceptable explanation for a period exceeding three days, or if the employee did not comply with departmental notification procedures for three days, the employee is considered to have abandoned his/her/their job and may be terminated.
- (e) Work hours may be adjusted by the Department Director based on departmental needs.

E-2. Holidays.

- (a) The following days shall be paid holidays for City employees: New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Memorial Day (last Monday in May), Juneteenth (June 19), Independence Day (July 4), Labor Day (first Monday in September), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November), Friday after Thanksgiving, Christmas Day (December 25), and an additional day at Christmas as explained below.
- (b) From time-to-time, and for certain special occasions, the Mayor or the Governing Body by majority motion may designate other days as special holidays on a one-time basis.

- (c) In the event that Christmas falls on a Monday or Friday, City offices will be closed the following Tuesday or preceding Thursday; in the event that Christmas Day falls on a Tuesday or Thursday, City offices will be closed on the preceding Monday or following Friday, respectively; in the event that Christmas Day falls on Wednesday, City offices will be closed the preceding Tuesday. In the event that Christmas falls on a Saturday or Sunday, City offices will be closed on the preceding Friday and on the following Monday.

E-3. Vacation Leave. Vacation leave shall be granted beginning with the date of employment under the conditions hereinafter stated. Any employee who works fewer than 10 days in any month shall not accrue vacation credit for such month of service; provided that this restriction of 10 days shall not apply where the employee has worked fewer than 20 days due to authorized vacation or sick leave or other authorized duty absence. Vacation hours accrue and are to be used based on a calendar year. No employee shall be permitted to use vacation time for any period spent on unauthorized leave. Regular part-time employees shall accrue vacation days on a pro-rata basis. Accrued, unused vacation is not converted to cash in lieu of time off, either while the employee is employed or upon termination, except as specifically provided below.

- (a) *Full-time Employees.* Full-time employees will receive paid vacation leave time according to the following schedule: City Administrator and Department Directors with one through five years of consecutive service shall receive 15 working days of vacation. Other employees with one through five years of consecutive service shall receive 10 working days of vacation. All employees shall receive one additional working day, to a maximum of 25 working days, for each calendar year served in excess of five years.
- (b) *Accrual Rate Years One through Five.* City Administrator and Department Directors will accrue leave days of 10 hours per month. Other employees will earn 6.67 hours for each full month of employment during years one through five of employment. Employees with start dates prior to the 16th of the month will receive credit for the full month. Employees with start dates on or after the 16th of the month will receive no credit for that month. Employees-in-training terminated prior to completion of training other than "for cause" will receive pay for any accrued, unused vacation leave.
- (c) *Scheduling.* The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor and Department Director. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the City, vacation leave shall be granted on the basis of rank, first request, and/or seniority of City employment at the discretion of the Department Director and/or City Administrator.
- Vacation may be taken only when earned. Vacation may be advanced only in extenuating circumstances and only with specific approval of the City Administrator upon recommendation of the Department Director.

- Earned and unused vacation may be carried over from year to year. The City reserves the right to require employees to utilize at least one week's vacation per year to rest and refresh themselves.

Vacation utilization guidelines are as follows:

- (1) Each Department Director reserves the right to limit the amount or timing of vacation taken if the proposed vacation interferes with business operations. Department Directors may implement departmental vacation policies with the City Administrator's permission.
 - (2) Vacation time may be used in conjunction with Personal Days or Holidays if pre-approved.
 - (3) Vacation time may be used to bridge the employee to disability in the case of the employee's inability to come to work due to their own illness.
 - (4) Vacation that is accrued but unused may be carried over for use at a future time.
 - (5) If sick and personal time are exhausted, or do not qualify for FMLA concurrent use, vacation time will run concurrently with Family Medical Leave.
 - (6) Special circumstances will be considered on a case by case basis, but under no circumstances may any employee ever use more than 20 vacation days sequentially for reasons other than personal illness (including pregnancy) or Family Medical Leave. The City reserves the right to deny such requests that fall outside regular guidelines.
 - (7) Department Director vacation leave will be scheduled through the City Administrator.
Normally, the Department Director and assistant for the same department may not be on vacation leave at the same time.
- (d) *Holiday During Vacation.* City holidays which occur while an employee is on authorized vacation leave will not be counted as a day of vacation for that employee.
- (e) *Minimum Hours.* Employees shall use vacation leave in whole hour increments (no fractions of hours) in units of not less than one hour.
- (f) *Termination.* A maximum of 240 hours of combined accrued but unused current and carry-over vacation time (if any) may be converted to pay in lieu of time off, at the employee's final rate of pay, upon termination if the employee voluntarily resigns with adequate notice, or is terminated for a reason other than "for cause." Conversion to cash may not be available to an employee who resigns without adequate notice, or is involuntarily terminated "for cause."

E-4. Personal Days. Full-time employees who are on the payroll January 1st of each year shall be credited with two personal days. Full time employees hired during the year will receive credit for personal days based upon the following schedule:

- Start dates in the months of January, February, March or April: 2 days

- Start dates in the months of May, June, July, or August: 1 day
- Start dates in the months of September, October, November, or December: 0 days

Employees shall use personal leave in whole hour increments (no fractions of hours) in units of not less than one hour. Personal days not used by December 31st of each year shall be deleted, i.e., not carried over into the next year. Personal days are neither carried over nor converted to cash, either while the employee is employed or upon termination. Personal day scheduling and accounting shall be outlined as in E-16.

E-5. Sick Leave. All regular full-time employees shall accrue sick leave from the first day of employment. Regular part-time employees shall accrue sick leave on a pro-rata basis. No employee shall be permitted to use sick leave for any period spent on unauthorized leave. Where the reason for absence also qualifies as a Serious Health Condition of the employee or a covered family member under provisions of the Family and Medical Leave Act, sick leave must be used concurrently with FMLA leave (see Section E-11). Used sick leave shall be accounted for as in E-16 upon return to duty. Sick leave may be used upon accrual for the following reasons:

- The employee's own personal illness or physical incapacity.
- Enforced quarantine of the employee in accordance with community health regulations.
- Doctor or dentist appointment when the employee provides at least one-day notice to his/her/their immediate supervisor, or as soon as possible if an emergency.
- To attend to a person whose illness requires the employee's presence. Examples: spouse, child, parent, grandparents or with approval by the City Administrator in extraordinary circumstances.

- (a) *Amount of Sick Leave.* Full-time employees shall earn eight hours of sick leave for each full month of service. Regular part-time employees shall accrue sick leave on a pro-rata basis.
- (b) *Accumulation of Sick Leave.* Sick days may be accumulated to a maximum of 528 hours for use for the above situations.
- (c) *Computing of Sick Leave.* Any planned absence chargeable to sick leave shall be charged in half hour increments. Unplanned absence chargeable to sick leave for non-exempt hourly employees shall be charged in 15 minute increments if entered manually by a supervisor, or will follow the same rounding procedures as used for regular time, if entered using the electronic timekeeping system to make up the balance of the scheduled shift. Absence chargeable to sick leave for exempt employees will be charged in half hour increments.
- (d) *Doctor's certificate.* Sick leave for three days or more may require the employee to furnish the Department Director with a physician's certificate clearly stating that the employee has been under a doctor's care and unable to work for dates which must be specified, and the probable duration of the illness. Employees

returning after illnesses of three days or more may be required to provide a release from the physician that the employee is fit to return to work.

- (e) It shall be the responsibility of the employee to notify their Department Director of illness on a daily basis unless certification from a health care provider renders such daily notification unwarranted.
- (f) *Notification.* To be eligible for paid sick leave an employee, or his/her/their representative, shall notify the employee's immediate supervisor and advise the supervisor that sick leave is requested no later than two hours before the beginning of the first workday for which sick leave is taken, or as soon as is reasonably possible. Confirmation of receipt of notice is required from supervisor for employee to be eligible to be paid for sick leave. As stated above, the City reserves the right to require a physician's certification that one of the above criteria is met, thereby warranting use of paid sick leave.
- (g) *Termination of Employment.* Conditioned on the employee terminating "in good standing" (i.e., voluntarily with notice, or involuntarily other than "for cause"), such employee will be paid for 50 percent of the accrued, unused sick leave at the annual rate of pay at the time of termination. Sick leave is not converted to cash in any proportion where an employee fails to provide adequate notice of voluntary resignation, or is terminated "for cause."

E-6. Sick/Vacation Leave Transfer. There may be times when employees have an opportunity to donate accrued, unused sick leave or vacation leave to be made available to other employees to provide pay for already granted time off. Employees will be invited annually or more frequently if necessary to donate sick or vacation donations to a leave transfer bank. The leave may be used if a receiving employee has a serious illness or injury, or the receiving employee's immediate family has a serious FMLA approved illness or injury requiring the receiving employee to be off work longer than the time for which they would receive pay from their own accrued sick and vacation leave. After discussing the issue with the Department Director and the City Administrator, the Payroll / Benefits Specialist may use sick or vacation donations from the leave bank to transfer to the receiving employee. Once donated, the transfer is irrevocable; any such donation must be fully voluntary by the donor-employee; any employee donating leave must retain a combined balance of 200 hours of accrued sick and vacation leave.

E-7. Funeral Leave. In the case of death of a member of an employee's immediate family member (to include employee's spouse, child or adopted child, father, step-father, father-in-law, mother, step-mother, mother-in-law, sister, step-sister, sister-in-law, brother, step-brother, brother-in-law, grandparents, grandparents-in-law, grandchild, or any natural or adopted child or grandchild of the employee's spouse) full-time employees shall be granted paid funeral leave not to exceed three consecutive working days. Additional time off may be granted by the supervisor. To be considered eligible, such approval must be granted before the extension is taken, and the extension

will be unpaid unless the employee has available, and opts to use, accrued personal or vacation time. Funeral leave is not counted in the computation of overtime.

E-8. Injury Leave.

- (a) All injuries occurring on the job shall be reported to the employee's immediate supervisor as soon as possible, but no later than 24 hours after the incident.
- (b) Any employee injured on the job shall be eligible to receive injury leave with pay for up to the seven-day waiting period for workers' compensation claims, or the duration of the necessary absence, whichever is shorter. If an injured employee has work restrictions which can be accommodated by the City and elects not to work, they will be required to use accrued sick leave time, and will not be eligible for injury pay.
- (c) When an employee receives compensation under the Workers' Compensation Act, the pay he/she/they receives from the City, while an employee of the City, shall be the difference between his/her/their regular rate of pay and the amount he/she/they receives from workers' compensation.
- (d) Failure to timely report a work related accident or injury may result in disciplinary action.

E-9. Military Leave. A military leave of absence will be granted when an employee serves in the uniformed services of the United States. This includes active duty, active duty for training, inactive duty for training, National Guard duty, reserve duty, and time taken off for an examination to determine fitness to do any of the above.

When possible, a request for military leave should be made to the Department Director and Human Resources prior to the beginning of the leave. The employee should also discuss the expected length of the leave and the anticipated return date with the Department Director and Human Resources.

- (a) *Benefits Continuation.* The employee may elect to continue his/her/their health insurance coverage. Please see Human Resources for information regarding health insurance and other benefits.
- (b) *Vacation and Personal Time.* An employee who takes military leave will be permitted (but not required) to use his/her/their accrued and unused vacation time and/or personal time for military duty obligations upon written request. Otherwise, the leave is unpaid.
- (c) *Restoration.* An employee returning from military leave who meets the requirements will be reinstated in accordance with all applicable laws.
- (d) Please refer to the Family Medical Leave Guidelines for additional information on employees who have family members in the military.

E-10. Civil Leave.

- (a) *Civil Leave With Pay.* Any employee shall be given necessary time off with pay under any of the following circumstances: (1) when performing jury duty (note: when normal pay is taken, jury duty paycheck shall be endorsed to the City.) (2) When appearing in court as a witness in answer to a subpoena in connection

with the City, or as an expert witness when acting in an official capacity in connection with the City, (3) when performing emergency civilian duty in connection with national defense, or (4) for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

- (b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as plaintiff or as defendant in an action not related to his/her/their duties with the City, the employee may take leave without pay unless he/she/they elects to utilize accumulated vacation leave or personal days.

E-11. Family and Medical Leave (FMLA).

- (a) *Overview.* Each eligible employee will be granted up to 12 weeks of job-protected family and medical leave during any 12-month period looking backward beginning with the first day leave is taken. The leave is unpaid except as provided herein. Such leave will be available as the result of any one, or combination of the following: the birth, adoption or placement of a child for foster care (including paternity leave) ("baby bonding leave"); to care for a spouse, child or parent with a serious health condition; the employee's own serious health condition; qualifying military exigency leave; or for Military Caregiver Leave, to care for a covered service member with a covered service-related serious illness or injury. For Military Caregiver Leave, the leave allotment will consist of 26 weeks of unpaid leave beginning with the first day leave is taken for that purpose and looking forward.
- (b) *Eligibility.* An employee must have worked for the City at least 12 months and a minimum of 1,250 hours during the 12 months preceding the absence to be eligible for FMLA leave.
- (c) *Certification of Need for Leave.* When leave is requested as a result of a serious health condition of the employee, spouse, child or parent, or for Military Caregiver Leave, the employee must provide the City with authentic and sufficient medical certification completed by a health care provider, on forms to be provided by the City. The City will reimburse the employee if the health care provider charges the employee a fee for filling out the FML medical (re) certification. A receipt of payment must be submitted in order to be reimbursed. The City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two opinions, the City may pay for the opinion of a third provider, selected by agreement of the employee and the City. The opinion of the third provider is binding on both the employee and the City. Medical Certification from an appropriate US Department of Defense health care provider or other health care provider authorized in the regulations must be provided for certification of Military Caregiver Leave. The City may likewise require verification of the need for Qualifying Military Exigency Leave.

- (d) *Required Notice by Employee of Need for Leave.* Where foreseeable, employees are required to provide at least 30 days' notice (or as much advance notice as is practicable, if less than 30 days) before beginning to take such leave. Whether the need for leave is foreseeable or unforeseeable, an employee must follow the City's (and/or the employee's Department's) usual and customary call-in procedures, absent unusual circumstances that prevent the employee from doing so. Where no unusual circumstances justify such a failure, FMLA coverage for the absence may be delayed or denied. Merely calling in "sick" without providing more information is not sufficient to trigger FMLA coverage for that absence, and such absence may be subject to the City's (or Department's) regular attendance and absenteeism policies and guidelines.
- (e) *Length of Leave Allotment.* The cumulative total of any one or combination of the above qualifying shall count toward the 12 weeks of leave (or 26 weeks in the case of Military Caregiver leave) provided under this law. Employees will normally be notified of their eligibility for leave under the FMLA within five working days following the City's knowledge of a potentially qualifying absence. Within five business days after required certification is returned, employees will normally be notified of whether or not the leave is FMLA covered, and if so, of specific expectations and obligations under the FMLA. The City's obligations under FMLA shall cease upon the expiration of the applicable FMLA allotment, or when an employee gives notice of his/her/their intent not to return to work, whichever occurs first. The City reserves the right to request certification and/or re-certification verifying the need for leave during leave as allowed. An employee who does not return to work at the end of the authorized leave period or upon exhaustion of the applicable leave allotment under this policy and the FMLA may be subject to termination.
- (f) *Interaction with Paid Benefits.* If the FMLA qualifying condition is the serious health condition of the employee, or of the employee's spouse, child, or parent, or for Military Caregiver Leave, then the employee must use accrued sick time concurrently with FMLA. If sick time is exhausted, the employee must use personal, then vacation time, concurrently with FMLA before the leave becomes unpaid. The employee may, but is not required to, supplement worker's compensation benefits with accrued but unused sick, personal or vacation pay to receive 100% of pay. For baby bonding and qualifying military exigency leave, the employee must use personal, then vacation time concurrently with FMLA before the leave becomes unpaid. Employees on unpaid family leave will not accrue any seniority, vacation, sick leave, or other benefits.
- (g) *Return to Work Certification.* As a condition of restoring the employee whose leave was occasioned by the employee's own serious health condition, the employee must obtain and present a certification to Human Resources from the employee's health care provider stating that the employee is able to return to work and perform the essential functions of the position to which he/she/they seeks restoration. The City may

delay the employee's restoration until the employee submits an authentic and sufficient release to return to work. If the employee is not released to work at the conclusion of the FMLA leave entitlement, the employee may request an extension of leave. There is no guarantee of availability or approval of such leave, but upon request, the City will engage in an interactive dialogue with the employee and will make an individual determination of what is reasonable based on the specific circumstances of the employee.

- (h) *Restoration.* Unless the position has been eliminated for a reason other than the employee's absence, or the employee is a "key employee" whose restoration would cause grievous economic injury to the City, or the employee is terminated for some reason other than the FMLA absence, an employee who is released to return to work to perform the essential functions of the position within the FMLA allotment will be restored to his/her/their position or to a position with equivalent benefits, pay and other terms and conditions of employment. To allow the City to make adequate scheduling arrangements and have work available for the employee upon returning to work, the employee must give at least 48 hours advance notice of the intent to return to work.
- (i) *Health Insurance Coverage.* During the FMLA covered absence, the City will continue to provide health care coverage under the same provisions as if the employee were actively working. If the employee fails to return from leave, the City can recover the premium(s) paid on behalf of the employee to maintain health care coverage during the absence. 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 health care premiums paid while on family leave. In such cases, a certification issued by a health care provider will be required.

E-12. Non-FMLA Medical Leave

- (a) An employee who is not FMLA-eligible and who has a medical condition (physical or mental) that requires leave beyond that provided under the City's sick leave policy may request a leave of absence for a reasonable time for his/her/their own medical condition that requires absence from work. Medical certification verifying the medical necessity for the leave, and identifying the expected duration of the leave, must be submitted to support the leave request. Approval of a leave request under this policy, and the length of any such leave, will be analyzed based on the City's operational needs. The City reserves the right to seek an independent medical opinion of the medical need for the leave, and the duration of any such leave, under appropriate circumstances.
- (b) An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, and vacation leave or short term disability benefits (as applicable) during the leave; if such benefits are unavailable, the leave will be unpaid.

(c) Within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work, the City will reinstate the employee to his/her/their original job, or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-13. Paid Parental Leave

- (a) *Overview.* Eligible employees may receive up to 6 weeks of paid parental leave due to the birth of an employee's child or the placement within an employee's home of an adopted child or foster child. Employees must be eligible for Family and Medical Leave (FMLA) in order to qualify.
- (b) *Eligibility.* To be eligible to receive paid parental leave, the employee must also qualify for FMLA. The employee will have worked for the City at least 12 months prior to the event and a minimum of 1,250 hours during the 12 months preceding the absence. Any employee awarded paid parental leave must use FMLA concurrently to leave included in this policy. In addition, the employee must meet one of the following criteria: Have given birth to a child, be a spouse or committed partner of a woman who has given birth to a child, or have adopted a child or been placed within 12 months with a foster child (must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy. This policy excludes birth fathers provided they are not the spouse or committed partner of the person giving birth.
- (c) *Amount, Time Frame and Duration.* Approved paid parental leave is compensated at 100% of the employee's regular, straight-time pay and will be paid on a bi-weekly basis on regularly scheduled pay dates. Eligible employees will receive a maximum of 6 weeks of paid parental leave per birth, adoption or placement of a child. A multiple birth, adoption or placement does not increase the 6 week total amount of paid parental leave granted. In no case will an employee receive more than 6 weeks of paid parental leave in a rolling 12 month period. Approved parental leave may be taken at any time during the 12-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame. Time may be taken in a continuous period or intermittently and shall be coordinated with the employee's supervisor. If two employees are spouses and both eligible for leave, the leave may be taken at the same time or staggered as long as not to negatively impact scheduling or coverage.
- (d) *Request for Paid Parental Leave.* The employee will provide his/her/their supervisor and the Human Resources Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary Request for Paid Parental Leave as well as the request for FMLA forms and provide all

documentation as required by the Human Resources to substantiate the request, to include medical documentation for the birth of a child or appropriate adoption or foster documentation, such as a letter from the governing agency or from the attorney in the case of a private agency.

- (e) *Coordination with other policies and benefits.* Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave (whether paid or unpaid) granted to the employee under the FMLA exceed 12 weeks during the 12-month look-back period. Please refer to the Family and Medical Leave Policy for further guidance. After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. The City will maintain all benefits during the paid parental leave. The employee portion of the premium deductions will continue to be withheld as scheduled.

E-14. Non-FMLA Maternity Leave

A pregnant employee who is not eligible for FMLA leave may request a leave of absence for childbirth and/or recovery therefrom. The City will provide a leave of absence for a reasonable period of time following childbirth. Approval of a leave request under this policy, and the length of any such leave, are within the City's sole discretion. An employee who requests and is approved for a leave of absence under this policy must use any accrued and unused sick, personal, vacation and/or short term disability benefits to cover the leave; if such benefits are unavailable, the leave will be unpaid.

Following childbirth and within the reasonable time approved for the leave of absence, and upon providing the City with reasonable notice of the employee's intent to return to work and a release to return to work from the employee's health care provider, the City will reinstate the employee to his/her/their original job or to a position of similar pay and status without loss of seniority or other benefits. Employees who cannot, or do not, return to work following the reasonable leave of absence allowed by the City are subject to termination of employment.

E-15. Paid Caregiver Leave

- (a) *Overview.* Eligible employees may receive up to 6 weeks of paid caregiver leave to provide intermittent or continual care for a spouse, child or parent who due to a medical issue is unable to care for his/her/their self. Employees must be eligible for Family and Medical Leave (FMLA) in order to qualify.

- (b) *Eligibility.* To be eligible to receive paid caregiver leave, the employee must also qualify for FMLA. The employee will have worked for the City at least 12 months prior to the event and a minimum of 1,250 hours during the 12 months preceding the absence. Any employee awarded paid parental leave must use FMLA concurrently to leave included in this policy. In addition, the employee must be the primary caregiver for the person receiving care.
- (c) *Amount, Time Frame and Duration.* Approved paid caregiver leave is compensated at 100% of the employee's regular, straight-time pay and will be paid on a bi-weekly basis on regularly scheduled pay dates. Eligible employees will receive a maximum of 6 weeks of paid caregiver leave per medical issue. In no case will an employee receive more than 6 weeks of paid caregiver leave in a rolling 12-month period. Approved caregiver leave may be taken at any time during the 12-month period. Paid caregiver leave may not be used or extended beyond this 12-month time frame. Time may be taken in a continuous period or intermittently and shall be coordinated with the employee's supervisor. If two employees are spouses and both eligible for leave, the leave may be taken at the same time or staggered as long as not to negatively impact scheduling or coverage.
- (d) *Request for Paid Caregiver Leave.* The employee will provide his, her, or their supervisor and the Human Resources Department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary Request for Paid Caregiver Leave as well as the request for FMLA forms and provide all documentation as required by the Human Resources to substantiate the request, to include medical documentation certifying the need for additional in-home care.
- (e) *Coordination with other policies and benefits.* Paid caregiver leave taken under this policy will run concurrently with leave under the FMLA; thus any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the need to serve as primary caregiver for a spouse, parent or child, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave (whether paid or unpaid) granted to the employee under the FMLA exceed 12 weeks during the 12-month look-back period. Please refer to the Family and Medical Leave Policy for further guidance. After the paid caregiver leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through the employee's accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. The City will maintain all benefits during the paid caregiver leave. The employee portion of the premium deductions will continue to be withheld as scheduled.

E-16. Time Off for Victims of Domestic Violence and/or Sexual Assault.

- (a) The City provides excused leave from work for an employee who is the victim of domestic violence and/or of sexual assault for any of the following reasons:
- To obtain, or attempt to obtain, any relief including a restraining order or other injunctive relief to ensure the employee's health or the health of the employee's child or children;
 - To seek medical attention for any injuries caused by domestic violence or sexual assault;
 - To obtain services from a domestic violence shelter, domestic violence program or rape or sexual assault crisis center; and/or
 - To make court appearances in the aftermath of domestic violence and/or sexual assault.
- (b) *Length of the Leave and Pay During Leave.* The maximum length of leave under this policy for any qualifying reason(s) will be the amount of the employee's earned, unused sick, vacation or personal time, or if unpaid, will be eight days per calendar year. Once the employee's sick, vacation or personal is exhausted, the leave will be unpaid. If an employee is eligible for FMLA leave, and if the reason for the particular absence also qualifies for FMLA coverage, the leave will also be drawn down from the employee's annual FMLA allotment.
- (c) *Required Notice and Certification of Need for Leave.* An employee who needs to take time off work for any of the above purposes is required to give the City reasonable advance notice, unless such notice is not feasible. An employee who has provided advance notice will be allowed up to 48 hours after returning from the requested time off to provide supporting documentation, which may include a police report, a court order or other documentation from an appropriate medical professional, domestic violence advocate or counselor. If the absence is unscheduled, the employee must provide the support documentation within 48 hours after the beginning of the unscheduled leave. Notice of the need to be absent for a reason qualifying under this Policy, and all required support documentation, should be provided to Human Resources.
- (d) *Confidentiality.* The City will keep confidential, to the extent allowed by law, both the fact that an employee requests or uses leave under this Policy, and all supporting documentation regarding the leave.

E-17. Other Leave/Absences.

- (a) *Meetings, Seminars/Training.* Any employee may be granted absence with pay to attend meetings, seminars and conventions related to the employee's work for the City when such attendance is authorized by the employee's Department Director. These absences will not be charged as vacation leave.
- (b) *Leave of Absence.* An employee, upon written request, and with the recommendation of his/her/their Department Director, may be granted a leave of absence without pay or benefits for a period of up to six

months, subject to the approval of the City Administrator. These absences will not be charged as vacation leave. The City cannot guarantee that the position will be available upon the employee's return. No time off benefits or seniority accrue during this leave of absence.

E-18. Request for Leave/Leave Accounting. Leave records shall be maintained by Human Resources through the payroll accounting system. Department Directors shall be responsible for approval of all subordinates' leave requests. The City Administrator shall be responsible for approval of leave requests for Department Directors, the City Clerk, or any other direct report of the City Administrator. Leave accounting shall be accomplished via a form available from Human Resources and shall be returned to Human Resources upon completion.

E-19. Credits for Paid Leave. An employee while on paid sick leave, vacation leave, workers' compensation leave, or other paid leave shall continue to earn credit for sick leave and vacation leave, but no leave credit shall be earned by any employee while on leave without pay.

E-20. Work From Home. Occasional work from home may be granted on an as-needed basis for circumstances such as inclement weather, special projects, business travel, family and medical leave, or other temporary situations as deemed appropriate by the Department Head and City Administrator. It must always be done with prior approval from the employee's manager and Department Director. If an employee is working from home, the work area must be free from distractions and the employee must be available. As all employees are needed at work to serve our citizens, the City reserves the right to deny "working from home" for any business reason.

ARTICLE F. OTHER EMPLOYEE BENEFITS

F-1. Retirement – OASDI Benefits (Old Age Survivor and Disability Insurance). All eligible employees and Governing Body members elected after April 1, 1986 of the City are under the federal OASDI Social Security System, and receive appropriate benefits in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the City and the employee, with the employee contribution accomplished via payroll deduction.

F-2. Retirement – KPERS and KP&F Benefits.

- (a) All eligible employees (other than police officers) of the City become members of the Kansas Public Employees Retirement System (KPERS) and receive the benefits thereof after enrollment, in accordance with state laws and guidelines. All employees who are contributing members of KPERS are eligible for the insured death and disability benefits provided by KPERS, which are supplemental to the regular KPERS benefits.
- (b) All full-time police officers become members of the Kansas Police and Fire (KP&F) plan in accordance with state laws and guidelines with eligibility beginning the first day of employment. In addition to the retirement and death benefits, KP&F also provides the employee with disability coverage.

F-3. Workers' Compensation Benefits. Any City employee who sustains a work-related injury or illness may receive the benefits of the Kansas Workers' Compensation Act in accordance with such law and guidelines.

F-4. Unemployment Compensation. City employees may qualify for benefits under the Kansas Employment Security (unemployment compensation) Act in accordance with such law and guidelines.

F-5. Life Insurance. In addition to the death benefits provided under OASDI and KPERS/KP&F, the City provides group term life insurance for regular full-time employees. The cost of this benefit is paid entirely by the employer.

F-6. Deferred Compensation. All employees may choose to participate in IRS 457 deferred compensation plans offered by the City. Under the plans offered, the employee determines the amount of compensation to be withheld annually by the City in compliance with the minimum and maximum allowed by Federal law. The amount selected is forwarded by the City to the employee's selected account and is subject to IRS guidelines.

F-7. Supplemental Retirement.

(a) **Principal Financial Group.** A non-contributory 401(a)4 money purchase plan is provided for employees not enrolled in KP&F who meet plan eligibility requirements. The City contributes two percent (2%) of each applicable employee's gross salary on a per payroll basis. A vesting schedule is available from the Human Resources Department.

(b) **Eligibility.** Employees who have completed one year of service and who have worked more than 1,000 hours during that period and are 21 years of age are eligible to participate in the supplemental retirement plan.

(c) **Money Purchase Thrift Plan.** A voluntary contributory money purchase thrift plan currently with Principal Financial Group is also available for employees not enrolled in KP&F who meet plan eligibility requirements. Each eligible employee may voluntarily contribute during the year an amount not to exceed ten percent of his/her/their current compensation.

F-8. Health Care Program. Upon employment, all employees regularly scheduled for 30 or more hours per week shall be eligible for the City's group health care insurance program. Coverage is also available for spouses, domestic partners and dependents. A part-time employee who becomes a full-time employee shall be eligible for group health care insurance as of the date of change in employment status.

(a) The City may require employee participation in the cost of benefit premiums.

(b) When an individual employee is required to contribute because of participation in the City's group health care program, the amount of such contribution shall be a payroll deduction. Health insurance payroll deductions qualify for tax exemption under the City's IRS 125 (flexible spending account) plan and, therefore, are not eligible for deduction by the employee for income tax purposes after year-end.

- (c) An employee on workers' compensation leave will have the employee's share of the cost deducted from any compensation due the employee. In the event no compensation is due, insurance may be extended at the option of the employer and in accordance with Family Medical Leave, if it applies.
- (d) No employee shall be entitled to a cash payment in lieu of health care insurance coverage.
- (e) The City complies with those provisions of the Federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan care coverage upon termination of city employment. Under no circumstances shall any retired or disabled person, or spouse, or domestic partner, thereof, who has attained the age of 65 or qualifies for Social Security Administration Medicare coverage, remain on the City's insurance plan.

F-9. Other Insurance. The City provides the opportunity for full-time employees and their qualified dependents to access voluntary dental, vision, life, cancer, accident, and other insurance protection through payroll deduction from third-party provider(s). The City may participate in the cost of these coverages as established by the City Council on an annual basis.

F-10. City Recreation Facilities. Community center and outdoor pool memberships are provided for full-time employees and their families, and individual memberships for regular part-time employees at no cost to the employee. The cost of the membership is considered a taxable benefit for the employee. Part-time, seasonal and temporary employees are not eligible to receive this benefit.

F-11. Educational Reimbursement. All full-time employees who have been employed by the City for at least one year are eligible for educational reimbursement, including expenses for textbooks, technology fees, and other required supplies, as long as the educational opportunity for which reimbursement is sought benefits the employee in the performance of his/her/their job. Reimbursement will be made after the employee provides proof of completion of the course with at least a 2.0 grade on a 4.0 scale for undergraduate/associate degrees and a 3.0 on a 4.0 scale for graduate degrees. Approval of the City Administrator with Department Director recommendation is required prior to enrollment, subject to budget and funding availability, and the amount may not exceed \$2,000 for any one employee during a calendar year. Employees participating in this program must complete one year of employment for the City following reimbursement; an employee who voluntarily resigns, or who is terminated "for cause," before that time will be required to repay the City any reimbursement provided.

F-12. Retirement Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for a tenure-based percentage of the monthly premium for the following retired employees under the following circumstances and to the following extent:

- (a) The percentage of the premium paid by the City will be based on the employee's tenure with the City upon retirement as follows:

- 10-14 Years of Service 25% subsidy of lowest plan
- 15-19 Years of Service 30% subsidy of lowest plan
- 20-24 Years of Service 40% subsidy of lowest plan
- 25+ Years of Service 50% subsidy of lowest plan

- (b) The City will pay the appropriate tenure-based percentage (as defined above) of medical benefit costs, not to include dental or vision, less any amount the Social Security disabled employee receives from a future employer's short-term disability plan until the disabled employee receives Social Security Medicare benefits.
- (c) Employees who are under the age of 65 years when they retire and shall have retired within the retirement eligibility guidelines of the Kansas Public Employees Retirement System (KPERS and KP&F) may participate in this coverage.
- (d) Employees who wish to participate in this coverage must elect to do so 30 days or more before their retirement date.
- (e) This tenure-based percentage premium plan is available only to retired employees and their spouses. Status of employee versus employee plus spouse is determined upon date of retirement. A spouse may not be added, nor a different spouse substituted after that date. The City's percent participation is limited to lowest applicable employee or employee and spouse premium rates.
- (f) Employee and child or family insurance coverage may be purchased by retired employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's percentage is limited to employee (applied to employee and child) or employee and spouse basic (applied to family) premium amount.
- (g) This coverage will cease when a retired employee reaches age 65 or becomes eligible for Medicare.
- (h) In the event of the retired employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her/their spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or availability of coverage by spouse's employer. The qualifying spouse shall be responsible for the appropriate tenure-based percentage of the monthly coverage.
- (i) If a retired employee or spouse fails to make his/her/their percentage portion of any required premium payment on time, coverage will terminate and will not be reinstated.
- (j) If a retired employee becomes eligible under a health plan from another employer, this coverage will terminate.
- (k) The City will review annually the program of employer-paid retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-

time, with respect to any or all of the retired employees. Any such amendment, modification or termination may apply to current participants in the program as well as to future participants.

- (l) The retiree premium subsidy may be applied to health insurance (medical plan) benefits only. Retirees may elect to continue dental and vision benefits in accordance with applicable COBRA provisions and 100% of applicable premiums will be the responsibility of the retiree.

F-13. Disability Health Insurance Benefits. The City will continue to provide health care coverage at its lowest rate and pay for 50% of the monthly premium for the following disabled employees, under the following circumstances and to the following extent:

- (a) Such employee has been adjudicated as being disabled by the Social Security Administration.
- (b) The City will pay 50% of medical benefit cost, not to include dental or vision, until the disabled employee receives Medicare benefits.
- (c) Employees who wish to participate in this coverage must elect to do so within 30 days following the date of disability determination/adjudication.
- (d) This 50% premium subsidy is available only to disabled employees and their spouses. Status of employee versus employee plus spouse is determined upon date of disability. A spouse may not be added nor a different spouse substituted after that date. The City's 50% participation is limited to applicable employee or employee and spouse premium amount.
- (e) Employee and child or family insurance coverage may be purchased by disabled employees eligible for this coverage with 100% of the additional premium payable by the employee. The City's 50% is limited to employee (applied to employee and child) or employee and spouse (applied to family) basic premium amount.
- (f) Notwithstanding subsection (b), this coverage will cease when a disabled employee reaches age 65.
- (g) In the event of the disabled employee's death, obtaining coverage elsewhere, or becoming eligible for Medicare, this coverage will cease. His/her/their spouse will be covered by this benefit in accordance with COBRA regulations, but may be terminated earlier as a result of death, remarriage, qualifying for Medicare or availability of coverage by spouse's employer. The qualifying spouse shall be responsible for 50% of the monthly premium.
- (h) If a disabled employee or spouse fails to make his/her/their portion of any required premium payments on time, coverage will terminate and will not be reinstated.
- (i) If a disabled employee becomes covered under a health plan from another employer, this coverage will terminate.

- (j) The City will review annually the program of employer paid disabled retiree coverage and expressly reserves the right to amend, terminate or otherwise modify all or any portion of the program at any time and from time-to-time, with respect to any or all of the disabled employees. Any such amendment, modification or termination may apply to current participants in the program, as well as to future participants.

F-14. Retirement/Disability Health Insurance Annual Renewal.

Any retired or disabled employee taking advantage of the coverage offered by F-12 or F-13 above, may be required, on or before October 15th of each year, to produce, in writing from the Social Security Administration, proof of ineligibility for Social Security Medicare benefits in order to remain on the City's health insurance coverage. Failure to do so may result in termination from the City's plan.

F-15. Personal Information and Data.

It is the policy of the City of Mission that protected health information, and/or genetic information, and personal data will be used and disclosed in a manner that respects employees' right to privacy, and only in accordance with privacy regulations and applicable law.

The City will only collect personal information for employees and others if it is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the City includes employee names, addresses, telephone numbers, email addresses, emergency contact information, EEO data, social security numbers, driver's license numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials, credit card information, bank accounts, and other similar information. All pre-employment inquiry information and reference checking records conducted on employees and former employee files are maintained in locked, segregated areas.

Personal information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information or in compliance with valid legal process. All hard copy records will be maintained in locked, secure areas with access limited to those who have a need for such access.

City-generated information, which may include organizational charts, department titles and staff charts, telephone directories, email lists, facility or location information and addresses, is considered by the City to be proprietary information to be used for internal purposes only. The City maintains the right to communicate and distribute such information as it deems necessary to conduct business operations.

Examples of the release of personal employee information that will not be considered a violation of City policy include the following:

- Partial employee birth dates, i.e., day and month may be shared with Department Directors who elect to recognize employees on such dates.
- Personal telephone numbers or email addresses may be distributed to Department Directors in order to facilitate work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes may be shared with Department Directors.
- Employee's employment anniversary or service recognition information may be distributed to Department Directors periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.
- Employee and dependent personal information may be shared with plan providers as required for claims handling or record keeping needs.
- All information available under the Kansas Open Records Act.

If an employee becomes aware of a material breach in maintaining the confidentiality of any confidential information, the employee should report the incident to the Payroll / Benefits Specialist who will investigate, or refer to the appropriate department, all incidents of alleged material breaches of confidentiality in order that appropriate corrective action may be taken.

F-16. Travel and Training.

In order to encourage professional development, it is sometimes necessary to send employees to professional conferences and training both inside and outside the local area. When travel is required, the City reimburses for reasonable, approved and documented travel-related expenses for attending professional conferences and training courses that provide mutual benefit for both the employee and the City, in accordance with City policies. In specific circumstances, the City may consider advancing expenses with specific approval from the Department Director and City Administrator. As a general rule, however, advances are not available.

- (a) Employees must receive approval from their Department Director prior to registering for training. Approval is based on departmental needs, available funding and other factors.
- (b) Employees are responsible for turning in all travel related receipts and documentation within fourteen (14) calendar days after returning from City related travel.
- (c) Authorized Expenses
 - (1) Registration

- (2) Transportation. The City will cover the cost of the most economical of the following three modes of transportation:
 - Personal vehicle
 - Commercial carrier – tourist class or most economical airline
 - City Vehicle
- (3) Lodging. The City will cover the cost of reasonable single lodging expenses. When an employee's spouse accompanies the employee, the City will absorb the cost of the double occupancy rate. The employee is responsible for the spouse's commercial carrier expense.
- (4) Meals
 - (a) Overnight travel. When an employee is required to travel away from home overnight for city business the meals will be provided/reimbursed by the City and are excludable as wages to the employee under IRS regulations.
 - (b) No overnight travel. When no overnight travel is required, meals will be the responsibility of the employee.
- (5) Pay for travel: The City complies with all laws and regulations regarding payment of travel time and work time for non-exempt employees during external training. Hours expectations should be reviewed with the Department Director prior to attending the training.
- (6) Employees are required to adhere to the same behavioral and professional standards when traveling as they do when at work at the City.

F-17. Per Diem and Mileage. A per diem amount equal to the daily Federal rate for various cities for approved travel and training attendance on behalf of the City is authorized. Mileage reimbursement for the use of one's personal vehicle on behalf of the City shall be at the approved IRS mileage rate in effect at the time. To be reimbursed for mileage, the employee must submit a request for reimbursement stating where the travel was to, and for what purpose, along with the number of miles for the trip and the amount requested for reimbursement. This payment is excludable as a wage as it is a business connection and adequate accounting/substantiation has been made. All requests for per diem and reimbursement shall be submitted to the Department Director for approval prior to travel. The City is not responsible for expenses incurred without proper approval.

F-18. Reimbursement Policy for Non Attendance at City Scheduled Functions. Occasionally staff members may be scheduled to attend functions for which the City has paid in advance. The following procedure shall apply if the individual(s) fail(s) to attend the function and the City is unable to obtain a refund.

- (a) Proposed attendee should carefully consider projected date and make every effort to ensure his/her/their schedule permits attendance prior to making a commitment on behalf of the City, make every effort to attend, i.e. do not take on subsequent commitments.
- (b) Staff/attendee should have clear understanding of "last cancel date for refund."
- (c) If attendee must cancel, advise City Administrator or Department Director as far in advance as possible.
- (d) Cancellation should be based on "good faith" reason, i.e., unforeseeable personal or family illness, or a death requiring attention of participant, or an unavoidable and serious conflict of personal nature that will cause undue hardship to the attendee or an unforeseen, work related emergency.
- (e) Staff/individual involved should attempt to find substitute attendee; staff will arrange to replace original attendee, if possible.
- (f) If "good faith" effort is made to attend, City will not seek reimbursement from original attendee.
- (g) If substitute attendee cannot be provided, staff/individual will seek reasonable reimbursement from program, if possible, prior to seeking individual reimbursement.
- (h) Final decision on individual reimbursement requirement will rest with the City Administrator.

F-19. City Provided Vehicles. Vehicles owned by the City are not to be used for personal use except for commuting to and from work or de minimis personal use (within 2 miles of the most direct route to and from work) as allowed by IRS regulations. The personal use of a City owned vehicle will be a taxable benefit to the employee. The City will determine the rule which will be used to value this benefit based on the IRS regulations in effect when the vehicle is assigned to the employee. A list of employees eligible to take City owned vehicles home will be approved annually by the City Administrator.

F-20. Cell Phones. Employees whose work requires that they be accessible by cell phone will be provided a monthly phone allowance paid to the employee through the payroll system and considered a taxable benefit. The dollar amount of the monthly allowance will be determined by the Department Director and approved by the City Administrator annually. Employees may not use their cell phone cameras to photograph non-public documents or information. Likewise, employees are required to respect the privacy of individuals who come to City Hall or other municipal buildings for city business purposes. Please do not take recreational pictures of co-workers without their permission.

F-21. Personal Use of Cell Phones. Minimal personal cell phone use while on duty may be allowed subject to supervisor approval. Employees are encouraged to make personal calls while on breaks. If an employee's use of cell phone is deemed to be excessive, he/she/they will be required to keep it stowed away during work time. Cell phones should be kept on vibrate at all times while at work.

F-22. Purchasing Cards. Employees may be issued a purchasing card (P-Card) in accordance with a program authorized by the Governing Body. Employees will be required to comply with all P-Card program policies and procedures in accordance with a user agreement signed at the time the card is issued. Failure to comply with the terms of the program may result in disciplinary action up to and including termination.

ARTICLE G. DISCIPLINE.

G-1. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service. Discipline in the City organization is for the most part "self" discipline. It is the duty of employees to work and perform in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he/she/they does and in helping the City provide a high level of public service. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of his/her/their job, it may be necessary for his/her/their Department Director or supervisor to consider disciplinary actions as a means of encouraging the employee to modify his/her/their behavior. Disciplinary action includes a process which may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal of an employee or appointed official.

G-2. Issue Resolution. The City respects and values the opinions and views of all employees. The City supports employees' efforts to bring to the attention of management their questions, concerns, dissatisfaction, or complaints about work-related situations other than alleged harassment and/or discrimination. Reports of alleged harassment and/or discrimination must be raised in accordance with Article J. Employees are advised to communicate their problems or concerns, without fear of retribution, and receive fair and prompt resolution or explanation. Employees are encouraged to bring their concerns first to their supervisor. However, if the employee feels that the supervisor did not satisfactorily resolve the matter, they must submit their issue in writing to their Department Director or, if appropriate, the City Administrator. The issue will be addressed as soon as is practicable and the decision of the City Administrator is final.

G-3. Improper Conduct.

The following is a list of conduct which could result in disciplinary action, up to and including discharge. This list does NOT include every situation, but includes examples only.

1. Conviction by a court of law, or entering into a guilty or no-contest plea, of a violation of the criminal laws of the United States of America or any State. A criminal conviction will not necessarily result in

adverse employment action. Factors such as the seriousness of the offense, the nature of the offense, and the relationship of the offense to the employee's position will be taken into consideration.

2. Unnecessarily unsafe or abusive operation of City vehicles or equipment.
3. Violation of City policies pertaining to performance and/or conduct.
4. Incompetent, negligent or unsatisfactory performance.
5. Dishonesty (either by affirmative misrepresentation, or by omission or concealment of material information) in any matter involving the City, or in any matter not directly involving the City, but which could reflect negatively on the City or interfere with the employee's ability to perform his/her/their job.
6. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee while on duty, or off-duty where such conduct reflects adversely on the City or interferes with the violating employee's ability to perform his/her/their job.
7. Rudeness, violent, unprofessional or abusive conduct to a citizen or fellow employee utilizing the City's property or technology.
8. Improper political activity as defined in the Conflict of Interest Policy.
9. Being insubordinate, threatening, intimidating, rude or assaulting a manager/supervisor, co-worker, citizen or vendor.
10. Intentional or repeated falsification of personnel records, time-sheets or other City records.
11. Carelessness, neglect or misuse of City funds or property, including theft, misappropriation and unauthorized private use.
12. Discussing with unauthorized persons any confidential, non-public information gained through City employment.
13. Improper conduct, behavior, or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, whether or not such conduct constitutes legally actionable harassment.

G-4. Disciplinary Procedure.

It is the policy of the City that any employee whose performance is unsatisfactory or who violates any of the City's rules and regulations or standards of employee conduct and behavior shall be subject to disciplinary action. The following disciplinary actions are authorized but should not be considered exclusive, and are in every instance discretionary, based on the specific circumstances. The City reserves the right to adopt whatever level of discipline it deems appropriate in the situation, and may skip any level, including moving directly to termination.

- (a) Oral Reprimand

The supervisor should take the following action:

- Meet with the employee to discuss the matter.
- Inform the employee of the nature of the problem and the action necessary to correct it
- Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place

(b) Written Reprimand

The supervisor should take the following actions:

- Meet with the employee to discuss the matter.
- Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
- Review the written report with the employee. After discussing the report, both the supervisor and employee should sign the report.
- Forward to the Payroll / Benefits Specialist and City Administrator the written report of the violations and the action taken with the employee. Such report shall become a part of the employee's personnel file.

(c) Suspension, Demotion, or Dismissal

The supervisor should take the following actions:

- Meet with the employee to discuss the matter.
- Prepare a written report that outlines the nature of the incident, the policies and/or procedures that have been violated, and the action to be taken.
- Share the report with the Department Director, who in turn will recommend to the City Administrator suspension of the employee without pay for up to five working days, demotion to position in a lower pay grade, or termination.
- Once a determination is made of the appropriate disciplinary action, the supervisor and/or Department Director will meet with the employee to share the report. Both the employee and the Department Director should sign the report, and it will become a part of the employee's personnel file.

The above steps may be disregarded if the supervisor or Department Director feels that it is warranted by the severity of the situation. The supervisor may at his/her/their discretion discipline the employee and, if appropriate, recommend immediate termination of the employee.

No employee sick leave or vacation leave benefits shall be paid or accrued to any employee while they are subject to a disciplinary suspension. In the case of acts of violence or other flagrant misconduct, allegations of harassment or discrimination, serious safety violations, criminal offense, or any other matter deemed appropriate, an employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

G-5. Causes for Termination.

While all employees are employees at will and, therefore, subject to termination without cause, incidences may arise where an employee's conduct could result in termination for cause. Some incidents of misconduct may be deemed

so serious that they are cause for immediate termination. The following list is not all-inclusive; it is only representative of the types of misconduct which may subject an employee to immediate termination. Causes for termination under this section also constitute misconduct for which an employee may be subjected to disciplinary action other than termination:

- (a) Conviction of a felony or conviction of driving under the influence.
- (b) Testing positive for alcohol or drugs while operating a City vehicle.
- (c) Willful or continued violation of City or departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (d) Willful or continued violation of personnel policies and guidelines or departmental guidelines.
- (e) Negligent or willful damage to public property or waste of public supplies or equipment.
- (f) Taking or using any funds or property of the City for personal use or for sale or gift to others, or submitting any false claim to the City.
- (g) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (h) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a supervisor or Department Director, or knowingly making a false statement to any employee or officer of the City.
- (i) Claiming leave time under false pretenses or falsifying attendance records for oneself or another employee.
- (j) Absence without approved leave.
- (k) Possession or use of alcohol, while on duty. Sale of or offering for sale or giving away alcohol while on duty or at any City of Mission property.
- (l) Illegal use or possession of any drug or controlled substance, or the illegal presence of any drug or controlled substance in the employee's body at any detectable level while on duty.
- (m) Improper conduct, behavior or communication based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law, whether or not such conduct or behavior constitutes legally actionable discrimination, or any other kind of disruptive, discourteous, or unprofessional behavior.
- (n) Disclosing or using confidential, non-public records or information in conflict with City policy.
- (o) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment.
- (p) Material falsification of application or in the course of the interview process for city employment, or making a false statement or report in regard to any test, certification or appointment, or any attempt to commit any fraud that violates the merit principles of personnel administration.

- (q) Giving or attempting to give or receive any monetary consideration, or receive or deliver of undeserved service, to or from any person or organization for, or in connection with, any test or appointment, or City service of any kind.
- (r) Taking or offering to take from any person for the employee's personal use, any fee, gift or other thing or service of value, as defined by something valued at \$25 or more, in the course of his/her/their work or in connection with it; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his/her/their position in the service of the City.
- (s) Discharge of duties in a manner which results in discrimination to any person on the basis of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status or any other status protected by applicable law.
- (t) Violent or abusive behavior.
- (u) Any behavior that negatively affects the workplace or co-workers.

ARTICLE H. GRIEVANCES

H-1. General Policy. Any employee, or appointed official, has the right to present a complaint or grievance concerning termination of his/her/their employment or appointment. A sincere attempt should be made by each employee and supervisor to resolve any issue before it becomes necessary to resort to the grievance procedure. Complaints or reports of harassment or discrimination must be submitted and administered under Article J.4 below.

H-2. Grievance Procedure. The following grievance procedure is established:

- (a) Any complaint or grievance shall initially be filed by the employee with his/her/their supervisor within seven (7) days of the notice of termination. An answer to the grievance shall be provided by the supervisor to the employee in writing within seven (7) business days or as soon thereafter as possible. If the employee disagrees with the decision of the supervisor, the employee may forward the complaint or grievance in writing to his/her/their Department Director, who shall provide an answer to the employee within five (5) business days or as soon thereafter as possible.
- (b) If the termination is upheld by the Department Director, the employee may forward his/her/their written grievance to the City Administrator, specifying the specific basis for the challenge, provided he/she/they has informed the Department Director of his/her/their intentions to do so. The City Administrator will

administer a decision within five (5) business days or as soon thereafter as possible. The decision of the City Administrator will be final and binding.

H-3. Grievance Toward City Administrator. Grievances toward City Administrator shall be brought to the attention of the Governing Body through the Mayor. The Governing Body shall provide an answer within seven (7) days of the notice of termination. The decision of the Governing Body will be final and binding.

ARTICLE I. VOLUNTARY SEPARATION

I-1. Resignation. An employee who terminates his/her/their employment voluntarily shall be terminated in good standing, providing the employee gives a minimum of ten working days written notice to his/her/their immediate supervisor or Department Director, and works the entire notice period without using paid time off. Under appropriate circumstances, a shorter period of notice may be approved by the employee's Department Director. The City Administrator and Department Directors shall give thirty (30) calendar days written notice. Under appropriate circumstances, a shorter period of notice may be approved by the City Administrator.

I-2. Reinstatement. An employee who was terminated in good standing and who is re-employed within a period of 90 calendar days following separation may be reinstated under the terms of Section C-2 Recruitment, (f) Rehire. Employee will be reinstated at the salary he/she/they was receiving at the time of termination unless approved by the City Administrator.

ARTICLE J. ANTI-HARASSMENT

J-1. General Policy. It is the policy of the City to maintain a work environment free of discrimination, harassment, intimidation, humiliation, insult, physical, or verbal abuse or actions based on race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law. To insure that this policy is strictly adhered to, the City will not tolerate sexual or any other type of illegal harassment or discrimination by or toward any of its employees, and will take immediate disciplinary or other appropriate action toward any individual who violates this policy. The City will also not tolerate any disrespectful, vulgar or otherwise offensive or unprofessional behavior that may not rise to the level of illegal improper behaviors. The City does not have the ability to act on improper behavior that is not reported. Thus, employees are required to report any conduct or behavior they witness or experience that may violate this policy. The City prohibits retaliation against any employee who, in good faith, reports any behavior that may violate this policy, participates in any investigation of such a report, or is closely associated with another employee who does so.

J-2. Definition. Prohibited harassment is defined as:

- (a) The threat or insinuation by a supervisor or person in successive authority toward a subordinate employee, either explicitly or implicitly, that the subordinate's submission to or rejection of unwelcome sexual advances will adversely affect employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; and
- (b) The subjecting of an employee, by a supervisor, employee, government official, citizen, or other person, to unwelcome conduct, verbal, physical, visual or otherwise, based on any legally protected status or characteristic, which creates an intimidating, hostile, or offensive working environment for a reasonable person.

J-3. Policy.

- (a) No employee, whether supervisory or nonsupervisory, may harass another employee based on any status protected by applicable law. Nor may any government official, citizen, contractor, or other person engage in prohibited conduct toward any City employee in connection with that employee's employment. Prohibited conduct based on of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law, includes but is not limited to the following:
 - (1) Unwelcome touching, propositions, advances;
 - (2) Abusive or vulgar language epithets, slurs, stereotypic insults, joking or teasing based on any protected status;
 - (3) Suggestive stereotypic, insulting or degrading jokes or comments;
 - (4) Displaying of sexually graphic or suggestive pictures, photographs, cartoons, or similar material based on other protected status including but not limited to of race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.
- (b) Any employee who believes that he/she/they has witnessed or experienced behavior that may violate this policy shall immediately report all as set forth below in Section J-4. If the allegation involves the City Administrator, such report shall be made immediately to the Mayor.
- (c) All complaints involving claims of discrimination or harassment shall be promptly investigated; the existence of the complaint and the investigation will be treated as confidentially as practical to conduct the investigation.
- (d) Any employee, supervisory or nonsupervisory, found to have violated this policy, whether or not the violation constitutes illegal harassment, will be disciplined, up to and including discharge. Non-employees whose

behavior is to have found violated this policy will be dealt with as appropriate to ensure that inappropriate behavior ceases and does not recur.

J-4. Complaint Procedure. Any employee who feels he/she/they has witnessed or experienced conduct, behavior or communication that may violate this Policy 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:

- Employee's immediate supervisor.
- Employee's Department Director.
- Other supervisory personnel.
- Human Resources.
- City Administrator.

The employee should be prepared to provide the following information:

- Employee's name, department and position title.
- Name of the person or persons engaging in the prohibited conduct.
- Date(s) and approximate time(s) of the prohibited conduct.
- The specific nature of prohibited conduct, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the prohibited conduct, or any other threats made against him/her in connection with result of the prohibited conduct.
- Witnesses to the prohibited conduct, if any.
- Whether the employee has previously reported such prohibited conduct and, if so, when and to whom.

After receiving a complaint of prohibited conduct under this Policy, the person receiving the complaint shall immediately advise Human Resources, who will designate someone to assist the employee filing the complaint to document the incident in writing. (If the allegations are about the City Administrator, see J-6 below.) The employee may be requested to sign the written complaint, attesting to the accuracy and truthfulness of the incident.

All information related to the investigation of such a complaint will be treated as confidentially as possible and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter, or as required by valid legal process.

J-5. Review of a Complaint Under this Policy. It is the responsibility of the City Administrator to coordinate and investigate (or designate another suitable individual to coordinate and/or investigate) any complaint brought pursuant to this Policy. The following procedures shall apply to the handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to Human Resources.

- (b) Human Resources will promptly initiate an investigation.
- (c) The investigator shall keep a written record of the investigation, including notes of any oral responses made to the investigator by the complainant, any witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person (other than legal counsel) contacted by the investigator in connection with the investigation.
- (d) The investigator shall notify the employee accused of the violation as promptly as possible of the complaint and the severity of the allegations. (Immediate notification is not necessary if such notification would jeopardize the investigation.) The employee accused of the violation will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint. Likewise, the employee accused of the violation will be instructed not to tamper with the investigation efforts.
- (e) For the protection of the complainant, the person accused of violation, and any witnesses involved in the investigation, unless there is a specific operational necessity to do so, Human Resources, in consultation with the City Administrator may determine in their sole discretion that the Department Director and/or supervisor of either the complainant or the employee accused of the violation (or both) not be informed of the complaint, the investigation, or the outcome of the investigation. If the Department Director and/or supervisor is notified of the complaint and/or investigation, he/she/they will be instructed of the City's policy prohibiting retaliation against any complainant or witness in the investigation simultaneously with the notification of the complaint or investigation.
- (f) The employee accused of the violation may be given appropriate opportunity to refute the allegations and present information and/or suggest witnesses to be interviewed on his/her/their behalf.
- (g) Based on the investigative report, Human Resources shall determine whether the conduct of the person against whom a complaint has been made constitutes a violation of City policy. In making that determination Human Resources shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. Determination of whether City policy has been violated will be made on a case-by-case basis. Conduct need not constitute illegal harassment to violate City policy.
- (h) After completion of the investigation, in accordance with paragraph (e) above, Human Resources may discuss the recommendations (if any) regarding the employee who was the subject of the complaint, with the employee's Department Director and supervisor, and City Administrator as appropriate. Appropriate disciplinary steps (if any) will be determined and implemented upon approval of the City Administrator. If a violation is found, the City Administrator will report the findings/discipline to the Governing Body.

- (i) Any disciplinary action shall be consistent with the nature and severity of the offense. Considerations may include, but are not limited to, whether there have been previous counseling or discipline, whether the offending party is in a supervisory position, and any other factors the City Administrator believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense if it were known, and the light in which it would cast the City if known. The disciplinary action may include demotion and/or suspension, dismissal, oral or written reprimand, re-training or mandatory Employee Assistance Program participation. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- (j) If Human Resources determines that no violation of policy has occurred, he/she/they shall notify the employee accused of the violation of the determination and advise that no disciplinary action is warranted. In that case, only those who have a direct need to know of the situation will be informed of the existence of the complaint, the investigation, and its outcome.
- (k) If Human Resources determines a policy violation has occurred, the violating employee will be notified of that determination and the resulting corrective action be administered. Only those who have a legitimate need to know of the investigation and resolution (including any discipline for any employee found to have violated the policy) will be informed of the existence of the complaint, the investigation, and its outcome.
- (l) The employee making the complaint shall be notified in general of the results of the investigation. If appropriate, the complaining employee may be notified of the discipline, if any, to be administered. In any event, the investigation file will remain confidential.

J-6. City Administrator. In the event the City Administrator is the subject of the investigation, Human Resources will assist the Governing Body in the process and resolution.

J-7. Records of a Complaint and Investigation. All records concerning a complaint and investigation under this Policy shall be confidential and kept in a separate locked file except those affected by Kansas Open Records Act. Access to these records shall be given only to City representatives with legitimate need to have access, and only with approval by the City Administrator and/or in response to valid legal process.

J-8. Other Inappropriate Behavior. Behavior that is not unlawful harassment under the law or under this policy might still be inappropriate behavior for the workplace. Even if the City determines that an individual's behavior does not rise to the level of unlawful harassment, the City of Mission may still impose appropriate disciplinary action, up to and including termination. As a general rule, disciplinary action will be imposed under this paragraph if the City believes the behavior was otherwise inappropriate, unprofessional, unbecoming, objectionable, inconsistent with reasonable rules of conduct, has resulted in a loss of confidence or trust in the employee, is

inconsistent with the spirit of the City's harassment-free workplace philosophy or policy, or not in the best interest of the City.

ARTICLE K. POLITICAL ACTIVITY.

K-1. General Policy. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations, or groups and to become involved in political activities subject to the restrictions of this article.

K-2. Activities.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office, or issues impacting Mission, or where holding an appointive or elective public office is incompatible with the employee's City employment.
- (b) City employees may support candidates for other offices and may contribute labor to candidates and organizations that endorse candidates other than for City office. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office.
- (c) Any employee desiring to become a candidate for City elective 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/they shall be returned to employment on the same terms and conditions as any other employee who has taken a 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.
- (d) Political activity of any nature 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, signs, banners or flags on their person or in work areas, break rooms, or locker rooms during duty hours on any City property for any candidate or issue.
- (e) 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.
- (f) 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 retained in, the City service on the basis of their political affiliations or activities.

ARTICLE L. OUTSIDE EMPLOYMENT.

L-1. General Policy. 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 outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial or ethical conflict of interest results from such dual employment. To allow the City to analyze whether all of the above criteria are met, a City employee must disclose the proposed outside employment before it is accepted, or upon hiring by the City, whichever occurs later.

ARTICLE M. WORKER SAFETY.

M-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to City and/or departmental policy at all times. Failure to comply with safety policies may result in disciplinary action. Specific safety policies and procedures are included in the City's Employee Safety Manual or in the guides and policies of specific departments.

M-2. Substance Abuse. As a part of the City's commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City has established a policy on the use or abuse of alcohol and illegal use of drugs by its employees. This policy is explained in detail in section N-5.

M-3. Drug and Alcohol Policy.

- (a) All non-elected City employees, including full-time, regular part-time, appointed, seasonal and temporary employees, are covered by this policy.
- (b) In its desire to provide a drug free, healthy and safe workplace, the City requires all of its employees to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on City property and while conducting business-related activities off City premises, no employee covered by this policy may use, possess, distribute, sell or be under the influence of alcohol; nor may such an employee illegally use, possess, distribute, sell or illegally have in his/her/their body in any detectable amount, of any controlled substance or drug. The legal use of prescribed drugs is permitted on the job only if the use does not impair an employee's ability to safely and effectively perform the essential functions of the job, or does not endanger the employee or other individuals in the workplace. Violations of this policy may result in disciplinary action, up to and including immediate termination of employment.
- (c) Drug and alcohol testing of applicants/employees may occur in the following situations: in the case of any applicant applying for a City position (regardless of full-time, part-time regular, part-time, seasonal or temporary), after an offer of employment is made; when there is reasonable suspicion of drug/alcohol use on premises or during working hours; and following a vehicle collision when the employee could be deemed

at fault and following a workplace accident when the employee is referred for medical evaluation. Random, unannounced drug/alcohol testing of all employees holding safety-sensitive jobs that require a Commercial Driver's License (CDL) will be conducted on a routine basis. Any employee who refuses to take an alcohol or drug test under this policy, or who tampers with or attempts to tamper with such a test, will be subject to disciplinary action, including, but not limited to immediate termination. All employees of the City are provided with and acknowledge receipt of the City's drug and alcohol policy, Section N-5. Substance Abuse by a signed acknowledgement of the Personnel Policy and Guidelines.

- (d) The City offers an Employee Assistance Program that employees voluntarily seeking assistance can utilize. Seeking assistance after a drug or alcohol test has been requested, or after a violation of this Policy has been detected, will have no effect on discipline imposed on that employee.

M-4. Workers' Compensation. City employees are covered by state Workers' Compensation law. To comply with this law, an employee injured on the job, regardless of how minor the injury, must report such incident to his/her/their supervisor immediately, but no later than 24 hours following the incident. The supervisor will arrange for proper medical care and will complete any injury report forms required under the Workers' Compensation law. Because reporting injuries is key to the overall safety program at the City of Mission, failure to timely report any injury may result in disciplinary action.

City Supplemental Pay: The supplemental pay program is voluntary and provided at the City's discretion and is not subject to the provisions of the Kansas workers' compensation law. The program is intended to supplement any rights to Temporary Total Disability (TTD) wage benefits that injured employees may have, so they do not suffer any economic consequences as a result of their injury.

- (a) First week (seven consecutive calendar days): Regular employees may receive their base wage during the first week's absence, or any portion thereof, due to an accidental work-related injury.
- (b) Weeks two-26: The City may supplement direct from payroll a regular employee's workers' compensation TTD entitlement.
- (c) Weeks 27 and beyond: All supplemental pay will be terminated. TTD will be issued by the third-party administrator.

M-5. Returning Injured Employees to Work. It will be the policy of the City of Mission to return employees to work as quickly and safely possible, within the restrictions provided by the physician. However, due to the size of the City's staff, light duty assignments are limited, and cannot be guaranteed. Department Directors, the City Administrator, and/or supervisors will be responsible for attempting to find productive work for each injured employee. The City will attempt to identify alternative or modified work-duty tasks when available.

Temporary restricted duty work reassignment need not be confined to the current department or pay rate to which the employee is assigned at the time of injury. The Department Director will review the temporary restricted duty work reassignment within 30 days. Extensions will be determined by the Department Director and the City Administrator. Light duty assignments will typically not last longer than 90 days.

Returning injured employees to work as soon as possible benefits both the employee and the City of Mission; therefore, the City shall adhere to this policy. Any questions concerning this policy should be addressed to Human Resources.

This policy in no way may be used to diminish the rights and privileges of employees under provisions of the Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

ARTICLE N. OTHER POLICIES.

N-1. Reasonable Accommodation for Disability and/or Religion: The City of Mission offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but who can perform the essential functions of the job, with or without reasonable accommodation. The City will provide a reasonable accommodation upon request for known or disclosed disabilities, provided that the accommodation does not create an undue hardship on the City. Qualified individuals with disabilities may make requests for reasonable accommodation to Human Resources. The City reserves the right to require medical certification of the condition necessitating the requested accommodation, as well as the need for the requested accommodation. Any such medical certification must be submitted to Human Resources, and will be treated confidentially, and maintained in a confidential medical file separate from the regular personnel file. Similarly, the City offers reasonable accommodation; to the extent it does not create an undue hardship, for an employee's religious beliefs or observances. Requests for reasonable accommodation for religion may be submitted to Human Resources.

N-2. Technology Policy: This policy will establish guidelines for the use of the City's computer, communication and related systems to ensure that this equipment is used in a manner consistent with its intended purpose and the mission of the City, and to discourage or eliminate inappropriate use of the equipment. Equipment subject to this Policy will include, but is not limited to, all computers and related hardware and software, voice mail, electronic mail, internet access, internet email, phone systems, network systems, voice and data communications, printers, copy and fax machines, any digital or other type of recorders, cameras, pagers, radios and electronic equipment in general which is owned by the City, licensed to the City, or otherwise provided for use by the City through the use of public

funds. Violation of any provision of this policy may result in disciplinary action up to and including termination, and/or where applicable, legal action.

All users of the City of Mission's technology equipment must adhere to City, State, Federal and International laws governing the use of such equipment. All users of the City of Mission's technology equipment should strive to use such equipment in an efficient, effective, and appropriate manner consistent with the City's mission, and must avoid unethical, unauthorized, inappropriate or any other use of such equipment in a manner inconsistent with good stewardship of public resources.

Use of the City's technology equipment for improper political advocacy, threats, harassment, slander, defamation, profane, obscene or suggestive messages and images, political endorsements, personal activities or gain, commercial activities, or for the production or dissemination of any material which is discriminatory, degrading, insulting or stereotypic with regard to race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, gender identity, marital status, familial status, or any other status protected by applicable law is prohibited. Emailing objectionable, unprofessional or inappropriate information from a City email or to a City employee at their City email is also prohibited. Employees should greatly restrict their use of City email for personal emails.

- (a) **No Expectation of Privacy:** No individual or group utilizing the City's technology equipment should have any expectation of privacy in their use of the City's technological equipment. The equipment, and all communication and traffic flowing through the equipment, is managed by the City for the purpose of City business, and authorized representatives of the City may access any aspect of the City's technology equipment at any time for work related non-investigatory or investigatory purposes. Authorized representatives of the City may, without further notice, access any portion of the City's technology equipment for purposes related to claims of misconduct by the City staff.

Management reserves the right to monitor the use of any or all portions of the City's technology equipment, including electronic messages either sent or received, electronic files stored on the City's network, and internet sites visited.

Management reserves the right to access, without notice, data or text caches, pager, memory banks, email, voice mail boxes or accounts, and other employer provided electronic storage systems. Management reserves the right to monitor, without notice, the location of City-owned vehicles using GPS technology.

All data, information, electronic mail, and other documents contained on the City's network, or any component of the City's network, is considered City property, and may be accessed by authorized representatives of the City.

(b) **General Computing and Network Policy:** Users of the City of Mission's network services shall promote efficient use of the networks to minimize, and avoid if possible, congestion of the networks and interference with the work of other users of the network.

- (1) Encryption of communications will be allowed only if it is determined to be necessary for the protection of citizens or employees, or is determined to be an integral part of an employee's performance of their assigned work.
- (2) No "bios" (basic in and out system) passwords will be allowed unless approved by the Systems Manager or his/her/their designated representative.
- (3) Users of the City's network services shall not intentionally disrupt or damage any components of the system.
- (4) Deletion, examination, copying, or modification of files and/or data belonging to other users without their prior consent, or City authorization for a legitimate purpose, is prohibited.
- (5) Any unauthorized access or attempts to gain unauthorized access to data, system resources and passwords is prohibited.
- (6) Any attempt to secure system access privileges other than those assigned by the System Manager or his/her/their designated representative is prohibited.
- (7) Decryption of system or user passwords is prohibited.
- (8) The copying or deleting of any software without the authorization of the System Manager is prohibited.
- (9) Infringement on software licenses and copyrights is prohibited.
- (10) No software may be loaded onto the City's network, or any component of the network, without the advance approval of the System Manager or his/her/their designated representative.
- (11) The intentional introduction of computer viruses or other disruptive programs into the City's system is prohibited.
- (12) Sharing of passwords with other users is prohibited.

(c) **Guidelines for use of Electronic Mail Systems:** Electronic mail, in general, lends itself to a more relaxed and less guarded method of communication, which could lead to misunderstandings and unwarranted liability. All users should adhere to the following guidelines to ensure that City systems for electronic mail

production and delivery are used in a manner consistent with the City's policies and practices of quality public service.

- (1) All electronic files and messages on the City's systems are periodically backed up, and generally available for re-creation even if erased.
 - (2) Do not put anything into an electronic mail message that you would not broadcast to the general public.
 - (3) Excessively accessing personal email accounts using the City's network/internet/email systems is prohibited.
 - (4) In all electronic mail communications, be polite and use appropriate language.
 - (5) To help efficiently manage network storage resources, delete all messages from the electronic mail system when they are no longer needed.
 - (6) Be aware that Internet electronic mail transmissions can easily be intercepted and read by others.
 - (7) Do not use electronic mail to send illegal or inappropriate messages.
 - (8) Do not use the City's electronic mail system for sending "junk mail" or "chain letters."
 - (9) Never send electronic mail from someone else's account or electronic mail address posing as that person.
- (d) **Policy on Internet Access/Use:** Use of the Internet should be limited to City business. Accessing "adult entertainment", pornography, illegal, suggestive, racial, ethnic or religious, or other inappropriate material via the Internet at any time from any City facility using either individually-owned or City technology equipment is prohibited. Excessive use of the Internet for personal use during work time may be grounds for disciplinary action up to and including separation of employment.

N-3. Personal Appearance. City employees are expected to dress and groom themselves appropriately for their required duties and responsibilities and as prescribed by departmental policies.

N-4. Workplace Violence. The City of Mission expressly prohibits any acts or threats of violence by any City employee or former employee against any other employee in or about the City's facilities or elsewhere at any time. The City will not condone any acts or threats of violence by anyone against its employees or visitors on the City's premises at any time or while employees are engaged in business with or on behalf of the City. Threats made to a City employee outside of the work environment will be evaluated on a case by case basis. Additionally, threats against other employees will not be tolerated whether they are made in person, by mail, by text, over the phone, on email systems or any other form of technology or means of communication. Please remember that email messages are records of the City. Therefore the City reserves the right to access and disclose all messages sent over this system for any purpose whenever there is a business need to do so.

Employees must report to either their supervisor or Human Resources any violence or threat of violence, where that violence or threat of violence may occur on City premises or in connection with a City activity, whether the source is a City employee, or an outside party. Such activity may include: suspicious workplace activity, situations or incidents including threats that they observe involving current or former employees or visitors. Additionally, employees must report weapons or dangerous unauthorized materials observed in the workplace.

Once management has been made aware of the situation, an immediate investigation will be conducted. Confidentiality will be maintained where practical, but absolute confidentiality cannot be guaranteed. The City will not condone any form of retaliation against any employee for reporting such an occurrence. Any employee who violates this guideline may be subject to disciplinary action up to and including termination.

The City reserves the right to amend this general operational policy, or any portion thereof, at its sole discretion to the extent permitted by applicable State and Federal laws and regulations.

N-5. Substance Abuse.

(1) The City is committed to safeguarding the health of its employees, providing a safe place for its employees to work, and promoting a drug-free community. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems. The City has established this policy to detect users and remove from the workplace employees whose alcohol abuse interferes with their job performance, and those who illegally use drugs. It is also the policy of the City to prohibit the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

- (a) The purpose of this policy is to communicate the City's position on alcohol and illegal drug activity in the workplace, and to provide guidance for implementing related programs within the City.
- (b) City policies and/or procedures on substance abuse or employee assistance programs, are not intended to create or alter any existing, implied or express contracts, written or verbal, between the City and its employees, independent contractors, or job applicants. The City reserves the right to alter any of its policies, procedures, or programs, at will and without notice to its employees, independent contractors or job applicants.

(2) All City employees, appointed officials and appointed board and commission members are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other City policies may

apply in these areas to the extent that they do not conflict with this policy. Certain employees may be subject to additional requirements under state and/or federal regulations.

(3) Substance Abuse Policy Dissemination:

- (a) All employees are to be informed of the City's substance abuse policy. Employees shall be given a copy of the City's substance abuse policy via the Personnel Policy and Guidelines Manual.
- (b) All applicants shall be informed in writing of the City's policy of pre-employment testing and shall be required to sign an acknowledgement and agreement.

(4) Definitions

- (a) **Illegal use of Drugs:** "Illegal drug use" is the use of any drug or controlled substances where the substance is: 1) not legally obtainable or (2) legally obtainable, but not obtained or used in a lawful manner. Examples include, but are not limited to, use of "street drugs," as well as prescription drugs, which are not lawfully obtained or properly used, or are obtained from a doctor or person authorized to prescribe them, but are obtained under false pretenses. The term "illegal drug use" also includes the use of mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for the mind or behavior altering effect, and not for the purpose the substance is manufactured or distributed.
- (b) **Legal Use of Drugs:** "Legal use of drugs" means use of drugs or controlled substances or over-the-counter drugs that are legally obtained by the employee, and used for the purpose and at the dosage for which they were prescribed and sold.
- (c) **Supervisor:** The term "supervisor" includes any employee of the City that may be responsible for overseeing and directing (on a routine or intermittently basis) the work activities of other employees. This definition would include, but not be limited to, the City Administrator, Department Directors, captains and sergeants in the police department, public works superintendent, recreation supervisor, and aquatic manager.
- (d) **City Property:** The term "City property" includes property owned or controlled by the City of Mission, Kansas, and locations where the employee represents the City in any capacity.
- (e) **On Duty:** The term "on duty" includes all working hours, as well as meal periods and break periods, and all hours when the employee represents the City in any capacity.

(5) Drug Use Prohibitions

- (a) The illegal use, sale, purchase, possession, manufacture, distribution, or dispensing of controlled substances or drugs on City property or during working time is against City policy and is cause for immediate termination.

- (b) It is also against City policy for any employee to report to work or to work with any controlled substance or illegal drug present in the employee's body in any detectable level. Employees who violate this policy are subject to disciplinary action, up to and including termination.
 - (c) Legally-used drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is legally taking any controlled substance or drug that might impair safety, performance, judgment, or any motor functions must advise Human Resources before reporting to work while using such medication. A failure to do so may result in disciplinary action. Improper use of controlled substances, prescription or over the counter drugs, even if lawfully prescribed, is prohibited and may result in disciplinary action up to and including termination.
 - (d) Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.
- (6) Alcohol Use Prohibitions
- (a) The consumption, possession, being under the influence of alcohol, or testing positive for alcohol at a level of .02 or more on City property, or anywhere while on duty, is prohibited and will result in disciplinary action, up to and including termination.
 - (c) Employees may be asked to submit to an alcohol test based on reasonable suspicion that their ability to perform work safely or effectively may be impaired. An alcohol test result of .02 or higher will be considered positive.
 - (d) Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including termination.
- (7) Testing
- (a) Testing of Applicants
 - (1) Applicants considered final candidates for a position, who have received a conditional offer of employment for a safety-, integrity-, or security-sensitive position, may be tested for the presence of alcohol and/or the illegal presence of controlled substances or drugs as part of the application process.
 - (2) Applicants subject to such testing will be advised of the City's pre-employment testing requirements in writing via the employment application and/or the conditional offer of employment, and prior to referral for a physical and/or drug and/or alcohol testing.

- (3) Any applicant for a safety-, integrity-, or security-sensitive position who refuses to submit to, tampers with, makes any attempt to delay, or fails to pass the post-offer pre-employment drug and/or alcohol test shall be ineligible for hire.
- (b) Reasonable Suspicion Testing
- (1) Employees may be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired, or that they otherwise are in violation of this Policy. Reasonable suspicion is defined as the reasonable belief that an employee is under the influence of drugs or alcohol, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, the employee's possession of prohibited substances or drug paraphernalia, and/or access to reliable/credible information. Someone trained to recognize the signs of alcohol or drug use or abuse will determine whether reasonable suspicion exists. The person who determines that such a test is warranted will make a written record of the observations establishing reasonable suspicion.
 - (2) Factors that individually or in combination could result in reasonable suspicion include, but are not limited to:
 - (a) Direct observation of an individual engaged in drug and/or alcohol-related activity
 - (b) A pattern of abnormal conduct
 - (c) Unusual, irrational or erratic behavior
 - (d) Unexplained or excessive negligence or carelessness
 - (e) Discovery or presence of drugs or alcohol, or drug-related paraphernalia, in an employee's possession while on duty or near an employee's workplace
 - (f) Odor or residual odor peculiar to some drugs or alcohol
 - (g) Bodily appearance or behavior suggesting impairment
 - (h) Arrest or conviction for a drug related crime
 - (i) Information provided by reliable and credible source.
- (c) Post Accident Testing: Employees who may have caused, contributed to, or increased the severity of an accident may be tested for the presence of drugs and/or alcohol following an accident that results in a fatality, an injury requiring immediate hospitalization, an injury requiring outside medical attention, and/or damage to vehicles or other property. Employees may be tested under

any circumstance in which the City believes that alcohol or drug use may have contributed to the accident.

(1) Testing procedure:

- (a) The City will determine for which drugs and/or alcohol testing will be performed.
- (b) If the employee refuses to consent to testing, attempt to delay the testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he/she/they may be disciplined up to and including termination.
- (c) Test samples will be analyzed by a qualified laboratory or technician selected by the City. All urine or hair samples (type of test to be selected at the City's discretion) will be tested according to the following sequence;
 - (1) All test samples will be subjected to an initial screening process to detect the presence of controlled substances.
 - (2) Those samples having a negative screen (no substance present) will be considered to have tested negative, and no further testing will be done on that sample, and
 - (3) Those samples that test positive on the initial screen will be subject to confirmatory testing.
- (d) Employees who consent to testing will be informed of the results by a supervisor or the Department Director or the City's designee. As set forth within, a positive test will result in disciplinary action, up to and including termination.
- (e) If the urine specimen is determined to be a "dilute specimen" (urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less) the donor will be required to refrain from drinking excessive amounts of fluids, and to provide (with minimum possible advance notice) another specimen to be tested. The second test shall become the test of record.
- (f) Any employee who adulterates a specimen or who otherwise attempts to invalidate a test shall be subject to discipline up to and including termination.

- (d) Random drug/alcohol testing of all employees in safety-sensitive positions who have a Commercial Driver's License (CDL) will be conducted on a routine basis. This testing may be conducted unannounced throughout the year. Those selected for testing are chosen through the use of a random computerized system by a provider outside of the City to assure complete objectivity in

selection. When notified of selection for testing it will be necessary to report immediately for the testing procedure.

(8) Disciplinary Action

- (a) Except when part of regular employment responsibilities, any employee engaging in the use, sale, purchase, possession, or distribution of alcohol while on duty, or the illegal use, sale, purchase, possession, distribution, of drugs at any time, or having the illegal presence of a controlled substance or drug in any detectable amount in the employee's body while on duty, is subject to disciplinary action, up to and including termination.
- (b) The City may suspend employees with or without pay under this policy pending the results of a drug test or investigation.

(9) Employee Assistance Program (EAP)

- (a) The City regards its employees as its most important asset. Accordingly, the City maintains an EAP, which provides help to employees who, among other things, suffer from alcohol or drug abuse and/or other personal or emotional problems. No employee will be subject to discipline merely for voluntarily seeking EAP assistance. An employee may not, however, avoid discipline for violating the substance abuse policy, or any other policy, by seeking this assistance after the employee is referred for testing pursuant to this policy, or any other violation of this policy, or any other policy, is detected.
- (b) Any performance, attendance or behavioral problems may result in discipline up to and including termination, even if an employee is voluntarily participating in the EAP.
- (c) Employees referred to the EAP as a result of a violation of the City's substance abuse policy may continue their employment with the approval of the City, provided that:
 - (1) They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;
 - (2) Immediately cease any and all use of alcohol and/or drugs; and
 - (3) Enter into a "last chance agreement," and consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later.
 - (4) The City will determine, in its sole discretion, whether an employee will be offered the opportunity to participate in a rehabilitation program (at employee's expense, to the extent not covered by the health plan) or be terminated.

(10) Investigation

- (a) To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right, with or without reasonable suspicion, to search all City-owned or jointly held vehicles, containers, lockers, or other items brought onto City property. Individuals may be required to display personal property for visual inspection when upon City property. Employees may not have any reasonable expectation of privacy in desks, offices, or lockers provided by the City. Nor should they have any reasonable expectation of privacy in any purse, backpack, briefcase, container, clothing items, etc. brought onto City premises. All are subject to search upon reasonable suspicion of a violation of policy and/or law. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to City premises.
 - (b) The City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City will cooperate with and may enlist the service of the proper law enforcement authorities in the course of any investigation.
- (11) Arrest or Conviction for Drug-Related Crime.
- (a) If an employee is arrested for or convicted of a drug-related crime, the City may investigate the circumstances, and if appropriate under the guidelines set forth above, City officials may utilize the drug-testing procedure.
 - (b) As a condition of employment, an employee shall notify his/her/their supervisor of any criminal drug and/or alcohol statute conviction or of any plea of guilty, nolo contendere, or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea or imposition.
- (12) Confidentiality: Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted to Human Resources. In order to effectively address the employees with drug or alcohol problems, it may be necessary for the supervisor to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis, or in response to valid legal process.

N-6. Development of Additional Policies. There may be additional policies developed from time to time and shall be kept on file and made available for employee review at any time. They shall be mandatorily reviewed during initial employee in-processing with the Human Resources Department.

N-7. Confidentiality. All non-public matters regarding the operations, activities, and business affairs of the City of Mission, our citizens, clients, and vendors are to be kept confidential to the greatest extent possible. No City of Mission-related documents, files, records, computer files, citizen lists, citizen requirements, vendor lists, financial information, products, and other related information may be removed from the City's premises without permission

from the City of Mission except in the ordinary course of the City business. Do not share information about other employees without their permission. In addition, the contents of non-public City records or information may not be disclosed to anyone, except where required for a business purpose. Any employee leaving the City's employment should return all City of Mission-related information and property. Revealing confidential City information will result in disciplinary or other appropriate action.

Privileged Information

The City of Mission regards employee information as confidential and has established the following guidelines for such information:

Release of Information Within the City

Access to any personnel file is limited to those who have proper authorization and a legitimate business reason, unless otherwise required by federal, state, local law or legal process.

Release of Information Outside of the City

All inquiries, whether by telephone or written request, regarding current or former employees shall be referred to the Payroll / Benefits Specialist. Employees, including supervisors, should not provide any information about current or former employees. Further, no employee may issue a reference letter for any current or former employee without the permission of and review by the Payroll / Benefits Specialist or the City Administrator.

In response to an outside request for information regarding a current or former employee, the City will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former employee, or his/her/their employment with the City of Mission, will be released unless the City of Mission is required by law to furnish any such information.

N-8. Prevention of Occupational Exposure to Bloodborne Pathogens. The purpose of this policy is to provide guidelines for preventing the contraction and spread of infectious disease (HIV virus, hepatitis B virus, and other bloodborne pathogens) to employees and the general public.

It shall be the responsibility of each Department Director to identify those employees who, as a result of their occupation, may be exposed to bloodborne pathogens or other potentially infectious materials. Persons who are reasonably expected to come in contact with potentially infectious materials are required to follow the procedures outlined below.

All employees whose job duties and responsibilities indicate that they are a high risk to being exposed to blood, saliva, and other bodily fluids are subject to this policy.

The department's training coordinator or safety representative shall ensure that all employees in job classifications identified as high risk to bloodborne pathogens complete courses of instruction on prevention of exposure to and transmission of bloodborne diseases.

Employees subject to this policy shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of bloodborne pathogens.

The department training coordinator or safety representative shall insure that records are maintained for a period of three years from the date of training. The training records will include: names and job titles of all department members attending the training sessions, dates and content of training sessions, and names and qualifications of persons conducting the training.

Prevention - HBV Vaccination. All employees in job classifications identified as high risk to occupational exposure to bloodborne pathogens shall be offered (paid by the City) the HBV (Hepatitis B Virus) vaccination. If the vaccination is declined, a waiver must be signed. The waiver may be rescinded by the employee at a later date. The vaccination will be provided after training on exposure and within 10 working days of the initial assignment which creates the risk of exposure.

Exposure. All human blood, saliva, other bodily fluids, and other potentially infectious materials are treated as if known to be infectious for HIV (AIDS) and HBV (hepatitis B virus). Employees are required to utilize appropriate personal protective equipment furnished by the City (gloves, gowns, mouthpieces, masks, etc.).

- (1) Hands shall be washed after removing gloves or as soon as possible after contact with body fluids.
- (2) Contaminated personal protective equipment should be removed immediately and placed in a designated container with liner for disposal.
- (3) Cleaning requirements shall be established for City facilities. Current approved methods include the use of bleach with a solution of 8 ounces/gallon of water and Disinfectant Pine-Sol with a solution of 5 ounces/gallon of water.
- (4) All contaminated towels, gloves, etc. shall be bagged and properly disposed. All syringes, needles, scalpels, etc. shall be disposed of using puncture resistant containers.
- (5) All contaminated waste shall be properly bagged and stored in a trash container marked "Biohazard."

Post Exposure: Evaluation and Follow-up. Employees are required to report an exposure to the City and complete an Exposure Incident Investigation Form and Workers' Compensation "First Report of Injury" form immediately after the exposure.

Following a report of an exposure incident, the City requires employees to receive a confidential evaluation and counseling by the City's designated medical provider.

Supervisors shall be responsible for documenting the route of exposure, HBV and HIV status of the source person if known, and the circumstances under which the exposure occurred. Confidentiality of the involved person(s) shall be maintained.

The City's designated medical provider shall provide post-exposure testing, vaccination, follow-up testing, medical evaluation, and counseling.

Recordkeeping. The Human Resources Department shall maintain a confidential and accurate record for each occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures, the designated medical provider's written opinion and information provided by healthcare professionals.

These confidential healthcare records shall be retained in a secured area with limited access for the duration of the employee's employment plus 30 years and may not be disclosed or reported without the express written consent of the employee.

N-9. Driving On Behalf of the City. To ensure the safety of its employee and any individual that they may come in contact with while performing City business, the City requires that employees who operate a personal vehicle for City business, whether the vehicle belongs to the City, or is leased on its behalf, or belongs to the individual employee, shall comply with the following:

- Maintain and provide proof of valid liability and property insurance on a privately owned vehicle with limits as specified by the City and/or applicable state requirements;
- Advise their supervisor immediately in the event his/her/their driver's license suspended or revoked;
- Wear seat belts at all times while driving on City business;
- Consent to periodic motor vehicle (MVR) checks;

- Abide by all safety regulations;
- Abide by all traffic regulations, laws and ordinances while driving for the City;
- Drive courteously and practice defensive driving techniques;
- Turn cell phones off or put on silent or vibrate before starting the car;
- Pull over to a safe place if a call must be made or received while on the road;
- Do not text and drive – even when the car is at a standstill at a stoplight;
- Avoid driving after having consumed alcohol beyond the legal limit, and/or drugs, including legal drugs, which may impair an employee’s ability to operate a motor vehicle on City business;
- Affirmatively report to Human Resources any driving-related infraction incurred by the employee on or off-duty no later than the first business day following receipt of the infraction.

Further, the City is not responsible for tickets or other traffic citations incurred by employees while on City business. Employees who utilize their personal vehicle for City business will be reimbursed for business mileage at the current rate as stipulated by the travel expense and reimbursement policy.

N-10. Use of Social Media Policy. This policy applies to employees who participate in any form of social media, social networking, or electronic communication tools including, but not limited to, internal and external blogs and websites and any other social media, social networking or electronic communication tool whether known today or developed in the future. The City understands that employees may maintain or contribute to personal blogs, message boards, networking pages and other forms of social media outside of their job function. If an employee elects to engage in social media of any form, they are required to exercise good judgment, abide by Mission policy, and comply with the following:

- (1) **Only on Your Own Time.** Unless you have received advance permission from your manager you may not engage in social media activity on work time.
- (2) **Post as Yourself.** Do not speak or post as a representative of Mission or use Mission’s name in your username, screen name, etc. It must be clear that you are expressing your personal views only, not the views of Mission or its other employees.
- (3) **Be Respectful.** As an employee of Mission, you are representing Mission just as you would in any public forum, and you should exercise discretion, thoughtfulness and respect for Mission, its employees, its customers, its business contacts, and its competitors.
- (4) **Comply with Harassment and Other Policies.** Employees may not use social media technology to engage in or post communications or material that would violate any other policies which apply

to you as an employee of Mission, including, but not limited to, the Mission anti-harassment policy, general internet usage policy, alcohol and drug use policy, or Personnel Manual. Among other things, employees may not use social media technology to post communications or materials that are derogatory or offensive toward City employees with respect to race, color, religion, sex, national origin, age, disability, genetic information, citizenship, military status, ancestry, sexual orientation, marital status, or any other status protected by applicable law.

- (5) **Confidentiality.** Employees may not disclose Mission confidential or proprietary information through social media or otherwise. Confidential information includes non-public financial information, proprietary processes or technology, confidential personnel information, etc. All social media technology is also subject to any other confidentiality agreement that you may have entered into with Mission.
- (7) **Use Good Judgment.** Because what you say online is accessible to the public, including Mission and its employees, use good judgment in your communications.

N-11. Break Time for Nursing Women. The City provides female employees who are nursing with reasonable break times during normal working hours to express breast milk. The City encourages female employees to use regularly-scheduled breaks during the work day to express breast milk. However, the City also permits a female employee to take additional, unpaid breaks each work day for up to one year after the birth of her child as reasonable and necessary to express breast milk. The City will designate an area as a private location where female employees who are nursing may express breast milk.

N-12. Smoking Policy. Smoking and the use of smokeless tobacco, e-cigarettes/pipes and other tobacco and nicotine products shall not be permitted in any enclosed City facility or vehicle. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms and all other enclosed facilities. This policy applies to all employees, contractors and visitors. Smoking shall be permitted only in designated areas. No Smoking signs are posted in all City facilities. Those employees who smoke and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support. The success of this policy will depend on the thoughtfulness, consideration and cooperation of both smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy. Employees who are aware of violations of this policy are encouraged to report them immediately to Human Resources. Please do not attempt to enforce the policy or confront a violator yourself. Failure to adhere to this policy may result in disciplinary action, leading up to and including termination. The City reserves the right to develop and implement additional no-smoking policies.

N-13. Weapons Free Work Place and Possession of Personal Firearms. It is the policy of the City of Mission to ensure a safe and secure work environment, free from intimidation and threat of physical harm. To this end, the City reserves the right to limit and/or prohibit any and all weapons in the workplace, at City sponsored functions, in or on City property, or in City vehicles. For purposes of this section, the term "weapons" includes firearms (other than those excluded under K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act); knives, swords, switchblades, razors, and the like (other than small pocket knives, utility knives, and the like with a blade of less than three inches in length, or kitchen utensils while in use); clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent to go armed, or used to threaten or intimidate another. The term "weapons" shall not include the lawful possession of personal security devices, intended for use by members of the general public (including but not limited to pepper spray, mace, and other personal defense sprays) or concealed personal firearms as authorized under the K.S.A 75-7c01 et. Seq, the Personal and Family Protection Act.

Employees who are authorized by the State of Kansas to carry concealed personal firearms pursuant to K.S.A. 75-7c01 et. Seq., the Personal and Family Protection Act, may exercise their right to carry concealed personal firearms in any unsecured municipal building which is not posted as prohibiting the carrying of concealed weapons. Use or possession of a personal firearm pursuant to the Personal and Family Protection Act or otherwise, is not regarded as conduct within the scope of employment. In addition, under any and all circumstances, the use and possession of a firearm shall be in accordance with and only as authorized by law.

1. All employees are prohibited from carrying, possessing, using or transporting firearms, other than concealed firearms authorized under the Personal and Family Protection Act, during the course of employment, while performing services representing the City, or while wearing City apparel.
2. Any employee carrying a concealed firearm pursuant to the provisions of state law must keep said firearm completely concealed on their person, in a proper holster or similar product, with all safety features in place.
3. It is the sole responsibility of the employee to maintain control of his or her concealed firearms and ammunition by ensuring that such firearm is on his or her person and attended to at all times unless stored pursuant to subsection 5 below.
4. If an employee elects to lawfully carry a concealed firearm, said firearm cannot interfere or delay in the performance of their assigned duties or obstruct required safety equipment.
5. When not properly concealed on their person with safety features in place, a personal firearm shall be stored in the employee's personal vehicle. Employees must ensure that personal firearms stored in personal

vehicles must be stored out of plain view from the exterior of the vehicle and that the vehicle is locked and secured.

6. Employees who enter upon or in "private property" during the course of their duties are required to comply with any restrictions imposed by that property owner, including compliance with any signs conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General.
7. It is prohibited for any City employee to brandish, intentionally display, joke about using the weapon, use, discharge, point, engage in even slightly risk behavior involving the weapon, or threaten any person with the use of a weapon in the workplace or in the exercise of his or her duties.
8. An employee's failure to maintain a firearm in a fully concealed manner and secured manner or stored as described herein could result in discipline, up to and including termination.
9. In the event that a City employee discharges a firearm while on duty, the Mission Police Department shall administratively investigate the discharge and file a report of investigation with the City Administrator. Based on such report, the City Administrator will determine what constitutes grounds for disciplinary action, up to and including termination. The discharge of a firearm while on duty may also result in criminal charges.
10. Subject to other policies and procedures of the City of Mission and Kansas law, law enforcement officers are the only individuals authorized to use deadly force while acting for and on behalf of the City of Mission. Employees who are not authorized to use deadly force do not have the immunities and are not entitled to the same indemnity afforded law enforcement. The City will not provide for, reimburse or pay attorney fees or other costs in defense of any employee if deadly force is not a function of their position.

A violation of any portion of this policy may result in disciplinary action, up to an including termination.

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

RE: Establishing a Common Consumption Area in the Mission Business District and permitting the possession and consumption of alcoholic liquor within its boundaries.

RECOMMENDATION: Approval of an ordinance to establish a Common Consumption Area in Mission’s Downtown Area between Roeland Drive to Lamar Avenue and authorizing the possession and consumption of alcoholic liquor within its boundaries.

DETAILS: Kansas Statute K.S.A. 41-2659 allows for the creation of a common consumption area to permit the possession and consumption of alcoholic liquor, specifically during a civic or special event and for use on sidewalk cafes and patios. Following discussion at the October 6 Finance and Administration Committee meeting about the creation of a Common Consumption Area, staff is now presenting an ordinance to establish the area.

Mission has included alcohol sales at various special events in recent years including the Mission Market and food truck nights. Current regulations require the Governing Body to approve each time alcohol is to be sold, served, dispensed, and consumed in public parks, public parking lots and other City property. Temporary Extension of Premise permits are required for licensed establishments to extend their on-premise area for sale and consumption. A common consumption area would facilitate easier permitting and greater flexibility for these events.

There are four scenarios of that would be impacted by creating a Common Consumption Area (CCA):

1. Public events not adjacent to a licensed establishment (ie. Mission Market)
A licensed establishment located within the CCA may designate one non-contiguous location such as the Mission Market site as a satellite location to participate in public events.
2. Public events with street closure (ie. Citywide festival)
Customers may bring properly labeled alcohol from a licensed establishment located within the CCA into the CCA as stipulated by ordinance.
3. Public events adjacent to a licensed establishment (ie. Sidewalk cafes or patios)
Licensed establishments located within the CCA may serve alcohol to be consumed in an area outside their establishment that is demarcated as long as minimum access can be maintained. Participation and demarcation is determined in advance.

Related Statute/City Ordinance:	Section 600.040; Section 600.070; Section 600.270; Section 600.390; Section 600.400; Section 600.501
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

- Private events adjacent to a licensed establishment (ie. Sidewalk cafes or patios, parking lots, etc.) Same as Scenario 3 above, but not as part of a public event. Special Event Permit is required for each event and is approved administratively.

With Common Consumption Area	Current Requirements (Without CCA)
Application Process and Fees	
Licensee submits one-time, no-fee application to the State, instead of a fee to both State and City for each event	Currently, the licensee pays \$25.00 to the State and to the City for each event
Frequency of Participation	
There is no limit to the number of times a licensee may participate	A licensee is limited to four events per year
Application Process	
City approves each request locally, with a special event permit handled administratively	The Governing Body must approve each application for each event date and the licensee must apply to the State for each event
Purchase Requirements	
Licensee does not need to go through a wholesaler when using a non-contiguous site, as it is an extension of their business	Licensee must buy the liquor they plan to sell at the event through a wholesale distributor. In the case of Mission's breweries, they must sell their beer to a wholesaler, then buy it back from that wholesaler to sell at the special event.

If a licensed business that is located outside the common consumption area wishes to sell in another location, either within or without the common consumption area, they must obtain a temporary permit from the State.

In order to designate a common consumption area, the City must pass an ordinance or resolution creating the area and designating the boundaries. Any City-specific rules or guidelines applicable to the area must be included in the ordinance as well as conditions required by State statute. These include:

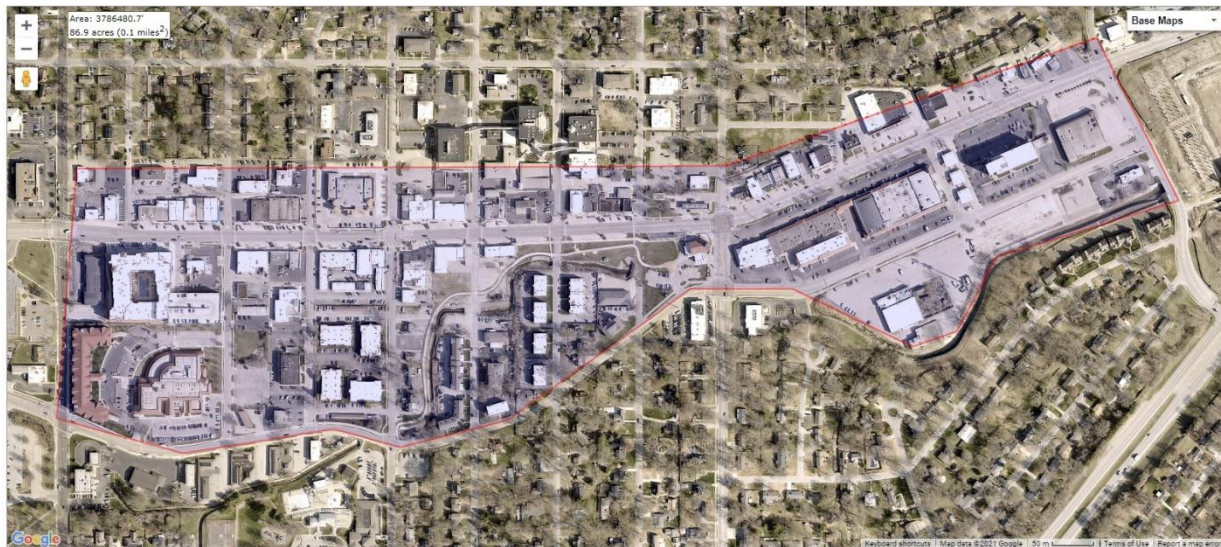
Related Statute/City Ordinance:	Section 600.040; Section 600.070; Section 600.270; Section 600.390; Section 600.400; Section 600.501
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

- Restricted common consumption between 9:00 a.m. and 11:00 p.m.;
- Boundaries must be clearly marked with a physical barrier or another apparent line of demarcation;
- Any public street, roadway or alleyway within the common consumption area must be blocked from motorized traffic during any hours in which alcohol is consumed;
- Requirement for Special Event Permit approval by the Community Development Department when not part of a City-hosted public event;
- Off-premise sales are only permitted with a catering license, a separate temporary permit, or authorized approval in writing by the City to operate a non-contiguous service area;
- Use of public sidewalks is permitted within the business's storefront boundaries as long as a minimum of five feet clearance is maintained;
- Alcohol must be served in non-glass containers that are clearly marked with the licensee's trade name or logo or other unique identifying mark;
- Alcohol cannot be purchased outside of the Common Consumption Area and brought into the designated boundaries;
- Alcohol cannot be removed from the designated boundaries;
- Inappropriate conduct by patrons will not be permitted;
- Licensee's will comply and enforce these restrictions.

Proposed Common Consumption Area



Related Statute/City Ordinance:	Section 600.040; Section 600.070; Section 600.270; Section 600.390; Section 600.400; Section 600.501
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	6.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

A draft ordinance along with redlined versions of the impacted sections of Mission’s Municipal Code are included in the packet for reference and information. Following the approval of the ordinance, the City will apply for a Common Consumption Area Permit from the State of Kansas Alcohol Beverage Commission. There is a \$100 fee for the annual permit. Staff will then work with licensees interested in participating to help them apply for participation within the CCA.

Private events require a Special Event Permit approved by the Community Development Department. Staff will review each application for event details, any safety concerns, and will review impacts to traffic, noise, parking accommodations, event layout and expected attendance.

CFAA IMPACTS/CONSIDERATIONS: Public events foster a shared sense of community and build connections between Mission residents and visitors. The Mission Business District is centrally located in Mission along bike and transit corridors and is within walking distance to any Mission residents. Hosting events in this space provides additional amenities accessible to people of all ages.

Related Statute/City Ordinance:	Section 600.040; Section 600.070; Section 600.270; Section 600.390; Section 600.400; Section 600.501
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION
ORDINANCE _____**

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES AND PROVIDING FOR REVISIONS TO CHAPTER 600 OF THE MUNICIPAL CODE OF MISSION, KANSAS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS AS FOLLOWS:

SECTION 1: SECTION 600.010 IS AMENDED AS FOLLOWS TO ADD THE FOLLOWING DEFINITION:

Common Consumption Area A defined indoor or outdoor area not otherwise licensed where the possession and consumption of alcoholic liquor and cereal malt beverage (CMB) is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or other apparent line of demarcation.

SECTION 2: SECTION 600.035 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS ADDED AS FOLLOWS:

Section 600.035 **Possession and Consumption of Alcoholic Liquor in a Common Consumption Area.**

- A. In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Downtown Mission Common Consumption Area as designated in the map attached hereto as Exhibit A and incorporated herein by reference provided that a common consumption area permit for the area has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control (Director).
- B. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor in the Downtown Mission Common Consumption Area between the hours of 9:00 a.m. and 11:00 p.m. in accordance with this Section.
- C. During a civic or special event and for sidewalk cafes and outdoor patios, the boundaries of the portion of the Downtown Mission Common Consumption Area in effect must be clearly marked with a physical barrier or other apparent line of demarcation. Any public street, roadway, or alleyway within the portion of the Downtown Mission Common Consumption Area in effect must be blocked from motorized traffic during any hours in which alcohol is consumed.
- D. A licensee located within or immediately adjacent to the Downtown Mission Common Consumption Area may request to participate in the common consumption area and allow its legal patrons to remove alcoholic liquor purchased on the licensee's premises to the Downtown Mission Common Consumption Area upon request and receipt of permission from the Kansas Alcoholic and Beverage Control and the City of Mission Community Development Director or their designee, and upon approval, as required, of a Special Event Permit by the Community Development Department.

Sales of alcoholic liquor on the common consumption area premises are prohibited, except during a civic event or authorized special event. Common Consumption Area permits are for possession and consumption of alcoholic liquor only. No sales of alcoholic liquor may occur on premises covered by the Downtown Mission Common Consumption Area permit, unless the sales are conducted by a licensed caterer in accordance with all requirements for a catered event, a separate temporary permit has been issued for that specific area, or a drinking establishment has been authorized in writing by the City Community Development Department to operate a non-contiguous service area in accordance with K.S.A. 41-2659.

Proof of approval to participate in the Downtown Mission Common Consumption area from the Director must be provided to the Community Development Department in order to obtain a Special Event Permit and to participate in a civic event within the designated area.

- E. A licensee located within the Downtown Mission Common Consumption Area may also request to participate in the common consumption area by allowing its legal patrons to remove alcoholic liquor upon request and receipt of permission from the Kansas Alcoholic and Beverage Control limited to immediately adjacent public sidewalks located within the storefront boundaries and privately owned outdoor spaces immediately adjacent to the licensed establishment. The area(s) must be clearly marked using a physical barrier or any apparent line of demarcation by the licensee, and may be used for seating, dining, waiting or recreation areas. A minimum of a five-foot wide clearance must be maintained into building entrances, at crosswalks and along existing sidewalk areas. Access to bicycle facilities, public utilities, and transit stops must also be maintained.
- F. All alcoholic liquor removed from a licensed premise or otherwise sold within the Downtown Mission Common Consumption Area as authorized to participate in the Permit must be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee. No alcoholic beverage removed from a licensed premise or sold within the Downtown Mission Common Consumption Area shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.
- G. The possession and consumption of alcoholic liquor purchased outside of the common consumption area shall not be permitted inside the boundaries of the civic event or special event and Downtown Mission Common Consumption Area.
- H. No open container or alcoholic liquor purchased within the common consumption area shall be removed from the boundaries of the portion of the Downtown Mission Common Consumption Area or civic event or authorized special event in effect.
- I. Inappropriate conduct shall not be permitted within the boundaries of the Downtown Mission Common Consumption Area or civic event or authorized special event and any person engaging in such inappropriate conduct shall be subject to removal from the common consumption area. Inappropriate conduct may include but is not limited to

fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of law or City Code.

- J. All licensees approved by the Director and City to participate in the Downtown Mission Common Consumption area shall at all times comply with any and all Federal and State laws and City laws regulating the purchase, sale and consumption of alcoholic liquor. Any violations of the common consumption area restrictions, City, State or Federal laws may result in revocation of the licensee's participation in the Downtown Mission Common Consumption Area by the City Community Development Director.

Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor that occur on the licensee's premises.

- K. The Governing Body hereby authorizes the City Administrator or designee to take all reasonably necessary actions, including but not limited to the execution of all documents and instruments, to obtain a Permit for the Downtown Mission Common Consumption Area on behalf of the City.
- L. This Ordinance shall take effect and be in force from and after its passage and publication as required by law, and the authorizing provisions hereof shall terminate upon withdrawal or termination of any authorizing Common Consumption Area Permit by the State of Kansas.

SECTION 3: SECTION 600.040 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.040 Consumption On Public Property.

- A. Prohibition. No person shall drink or consume any alcoholic liquor on City-owned public property.
- B. Exception. The City Council may waive this prohibition of consumption of alcoholic beverages on City-owned public property for functions pre-approved by the City Council.
- C. Exception. The provisions of this Section shall not apply to the consumption of alcoholic beverages on City-owned public property in accordance with a Common Consumption Area Permit authorized by K.S.A. 41-2659.
- D. Exception. The provisions of this Section shall not apply to the Sylvester Powell, Jr. Community Center, provided that:
 - 1. No individual under the age of twenty-one (21) may consume any alcoholic liquor, enhanced cereal malt beverage or cereal malt beverage;
 - 2. Any event providing alcoholic liquor, enhanced cereal malt beverages or cereal malt beverages for consumption must be approved in advance by the Director of Parks and Recreation and the Chief of Police or his/her designee; and

3. All rules and conditions imposed by the Director of Parks and Recreation and the Chief of Police or his/her designee shall comply with all regulations as adopted/regulated by the State of Kansas and shall be followed without exception.

SECTION 4: SECTION 600.070 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.070 Consumption of Alcoholic Liquor Prohibited in Certain Places — Exemptions.

- A. No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways, except in accordance to a Common Consumption Area Permit authorized by K.S.A. 41-2659.
- B. No person shall drink or consume alcoholic liquor on private property except:
 - 1. On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;
 - 2. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;
 - 3. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or
- C. Violation of any provision of this Section is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or both.

SECTION 5: SECTION 600.270 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.270 Consumption, Possession On Public Property.

- A. It shall be unlawful for any person to possess an open container, consume or sell any enhanced cereal malt beverage and/or cereal malt beverage upon any sidewalk, public street, alley or any other public place within the City except through the terms of a Common Consumption Area Permit as authorized by K.S.A. 41-2659.
- B. In the event of a City holiday or celebration sponsored by the City, the prohibition in Subsection **(A)** may be waived by the Governing Body.

SECTION 6: SECTION 600.390 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.390 Rules and Regulations By Governing Body.

- A. The Governing Body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed and may establish zoning within which no club may be located. For zoning purposes, a club shall be classified as a tavern.
- B. No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 A.M. and 9:00 A.M. on any day.
- C. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed both for retail sale of enhanced cereal malt beverages and/or cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701, et seq., and holding a license as a club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises. Said enhanced cereal malt beverages and/or cereal malt beverages may be consumed off-premises only in accordance with a Common Consumption Area Permit.
- D. Enhanced cereal malt beverages and/or cereal malt beverages may be sold off premises in accordance with K.S.A. 41-2659 and a Common Consumption Area Permit.
- E. No membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages be given, sold or traded to any person who has not attained his/her 21st birthday.

SECTION 7: SECTION 600.440 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.440 Business Regulations.

- A. No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 A.M. and 9:00 A.M. on any day.
- B. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage and/or cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises. Said enhanced cereal malt beverages and/or cereal malt beverages may be consumed off-premises only in accordance with a Common Consumption Area Permit.
- C. Enhanced cereal malt beverages and/or cereal malt beverages may be sold off premises in accordance with K.S.A. 41-2659 and the Common Consumption Area Permit.

- D. No alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

SECTION 8: SECTION 600.501 OF THE MUNICIPAL CODE OF MISSION, KANSAS IS AMENDED AS FOLLOWS:

Section 600.501 City-Sponsored Festival Event.

- A. *Definition.* As used in this Section, the following terms shall have these prescribed meanings:

CITY-SPONSORED FESTIVAL EVENT

Any event sponsored by the Governing Body of the City of Mission for the purpose of promoting community goodwill, public interest and awareness of Mission business districts and community development.

- B. *Governing Body Action Required.* The Governing Body shall pass a resolution for each designated City-sponsored festival event which shall designate the alcoholic beverages allowed on the public property designated for the City sponsored festival event. A resolution is not required for those events occurring within the boundaries of a Common Consumption Area that are in accordance with the terms of a Common Consumption Area Permit.
- C. *Designated District For The City-Sponsored Festival Events.* The City-sponsored festival event premises shall include all public property in which title is vested in the City of Mission which is bounded by Shawnee Mission Parkway on the south, Metcalf Avenue on the west, 58th Street on the north and Roe Avenue to the east.
- D. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City ordinances.

PASSED AND APPROVED by the City Council this 15th day of December, 2021.

APPROVED by the Mayor this 15th day of December, 2021.

Solana P. Flora, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk

Section 600.010 **Definitions.**

[Code 1987; CC 2000 §3-101; Ord. No. 1351 §1, 7-20-2011; Ord. No. 1496, 2-20-2019]

Unless otherwise expressly stated or the context indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

ALCOHOL

The product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR

Alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

CATERER

An individual, partnership or corporation which sells alcoholic liquor by the individual drink and provides services related to the serving thereof on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

CEREAL MALT BEVERAGE

Any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than three and two-tenths percent (3.2%) alcohol by weight.

CLASS A CLUB

A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide non-profit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them.

CLASS B CLUB

A premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

CLUB

A Class A or Class B club.

COMMON CONSUMPTION AREA

A defined indoor or outdoor area not otherwise licensed where the possession and consumption of alcoholic liquor and cereal malt beverage (CMB) is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or other apparent line of demarcation.

DRINKING ESTABLISHMENT

Premises which may be open to the general public where alcoholic liquor by the individual drink is sold.

ENHANCED CEREAL MALT BEVERAGE

Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than six percent (6%) alcohol by volume when such beer is sold by a retailer licensed under the Kansas Cereal Malt Beverage Act.

FARM WINERY

A winery licensed under the Liquor Control Act by the director to manufacture, store and sell domestic table wine and domestic fortified wine. A farm winery is limited to producing no more than one hundred thousand (100,000) gallons of wine per year.

GENERAL RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail.

LIMITED RETAILER

A person who has a license to sell enhanced cereal malt beverages and/or cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

MICROBREWERY

A brewery licensed by the State of Kansas to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer. A microbrewery is not considered to be a manufacturer.

MICRODISTILLERY

A facility which produces spirits from any source or substance that is licensed by the State of Kansas to manufacture, store and sell spirits. A microdistillery is not considered to be a retailer. A microdistillery is not considered to be a manufacturer.

PLACE OF BUSINESS

Any place at which enhanced cereal malt beverages, cereal malt beverages or alcoholic beverages or all are sold.

TEMPORARY CEREAL MALT BEVERAGE PERMIT

A permit issued in accordance with the laws of the State of Kansas and the ordinances of the City of Mission which allows the permit holder to sell enhanced cereal malt beverages and/or cereal malt beverages for a period of time not to exceed seventy-two (72) hours as specified in the application and permit.

TEMPORARY PERMIT

A permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

WHOLESALE OR DISTRIBUTOR

Any individuals, firms, co-partnerships, corporations and associations which sell or offer for sale any beverage referred to in this Chapter to persons, co-partnerships, corporations and associations authorized by this Chapter to sell cereal malt beverages at retail.

Section 600.070 Consumption of Alcoholic Liquor Prohibited in Certain Places — Exemptions.

- A. No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways, except in accordance to a Common Consumption Area Permit authorized by K.S.A. 41-2659.

- B. No person shall drink or consume alcoholic liquor on private property except:
 - 1. On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

 - 2. Upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

 - 3. In a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

- C. Violation of any provision of this Section is a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or both.

Section 600.270 Consumption, Possession On Public Property.

[Ord. No. 315, 6-14-1967; Code 1974 §3-215; Code 1983; CC 2000 §3-212; Ord. No. 1496, 2-20-2019]

- A. It shall be unlawful for any person to possess an open container, consume or sell any enhanced cereal malt beverage and/or cereal malt beverage upon any sidewalk, public street, alley or any other public place within the City except through the terms of a Common Consumption Area Permit as authorized by K.S.A. 41-2659.

- B. In the event of a City holiday or celebration sponsored by the City, the prohibition in Subsection (A) may be waived by the Governing Body.

Section 600.390 **Rules and Regulations By Governing Body.**

[Ord. No. 327, 9-27-1967; Code 1974 §3-310; Code 1987; CC 2000 §3-409; Ord. No. 1496, 2-20-2019

- A. The Governing Body may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of the place licensed and may establish zoning within which no club may be located. For zoning purposes, a club shall be classified as a tavern.
- B. No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 A.M. and 9:00 A.M. on any day.
- C. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed both for retail sale of enhanced cereal malt beverages and/or cereal malt beverage for on-premises consumption pursuant to K.S.A. 41-2701, et seq., and holding a license as a club issued by the State of Kansas at any time when alcoholic liquor is allowed by law to be served on the premises. Said enhanced cereal malt beverages and/or cereal malt beverages may be consumed off-premises only in accordance with a Common Consumption Area Permit.
- D. Enhanced cereal malt beverages and/or cereal malt beverages may be sold off premises in accordance with K.S.A. 41-2659 and a Common Consumption Area Permit.
- E. No membership shall be sold to any person under twenty-one (21) years of age, nor shall alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages be given, sold or traded to any person who has not attained his/her 21st birthday.

Section 600.440 **Business Regulations.**

[Code 1987; CC 2000 §3-503; Ord. No. 1496, 2-20-2019

- A. No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 A.M. and 9:00 A.M. on any day.
- B. Enhanced cereal malt beverages and/or cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage and/or cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises. Said enhanced cereal malt beverages and/or cereal malt beverages may be consumed off-premises only in accordance with a Common Consumption Area Permit.
- C. Enhanced cereal malt beverages and/or cereal malt beverages may be sold off premises in accordance with K.S.A. 41-2659 and the Common Consumption Area Permit.
- D. No alcoholic beverages, enhanced cereal malt beverages or cereal malt beverages shall be given, sold or traded to any person under twenty-one (21) years of age.

Section 600.501 **City-Sponsored Festival Event.**
[Ord. No. 1172 §1, 9-14-2005]

A. *Definition.* As used in this Section, the following terms shall have these prescribed meanings:

CITY-SPONSORED FESTIVAL EVENT

Any event sponsored by the Governing Body of the City of Mission for the purpose of promoting community goodwill, public interest and awareness of Mission business districts and community development.

- B. *Governing Body Action Required.* The Governing Body shall pass a resolution for each designated City-sponsored festival event which shall designate the alcoholic beverages allowed on the public property designated for the City sponsored festival event. A resolution is not required for those events occurring within the boundaries of a Common Consumption Area that are in accordance with the terms of a Common Consumption Area Permit.
- C. *Designated District For The City-Sponsored Festival Events.* The City-sponsored festival event premises shall include all public property in which title is vested in the City of Mission which is bounded by Shawnee Mission Parkway on the south, Metcalf Avenue on the west, 58th Street on the north and Roe Avenue to the east.
- D. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City ordinances.

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: City Council Policy 130 – Council Liaison Positions

RECOMMENDATION: Approve the revised City Council Policy 130 detailing roles and responsibilities related to City Council communication and interaction with certain appointed Commissions and Committees, and establishing City Council liaisons to same.

DETAILS: In 2019, interest was expressed in establishing formal Council liaison positions to the City’s various advisory boards and committees. In April 2019, City Council Policy 130 was approved, creating the liaison positions and outlining roles and responsibilities. Liaison positions were to be updated in December of odd-numbered years.

Since the initial adoption of Council Policy 130, the CIP Committee has been disbanded. This requires a revision to the existing policy. In addition to removing the reference to the CIP Committee, staff is also recommending appointments to the Mission Magazine editorial board and the Family Adoption Committee be added to the policy.

Staff believes the Council liaison positions have generally been successful and will potentially become more important as we continue to modify the way information and policy or program recommendations has flowed between the various committees and the Governing Body.

The policy outlines that the role of the Council liaison is not to direct the board in its activities or work. The liaison is intended to serve as a point of contact and connection for the commission or committee, rather than an advocate for or ex-officio member of.

Under the current policy, and that which is proposed, the Mayor would make the appointments for a period of two (2) years in order to allow the Council liaison an opportunity to become familiar with the members and their established work plan, goals and objectives. Appointments are anticipated to be made/updated at the December 15, 2021 City Council meeting.

Related Statute/City Ordinance:	Council Policy 130
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	7.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

A red-lined version of CP 130 has been included in the packet detailing recommending modifications. A clean version of the proposed policy is also included.

CFAA CONSIDERATIONS/IMPACTS: The City’s various commissions and committees provide opportunities for a wide variety of community residents to become engaged with local government. Keeping the lines of communication open between the Council and these appointed commissions or committees helps to strengthen the ability of both to meet the needs of diverse groups and interests.

Related Statute/City Ordinance:	Council Policy 130
Line Item Code/Description:	NA
Available Budget:	NA

CITY OF MISSION

CITY COUNCIL POLICY MANUAL

POLICY NO. 130

CITY COUNCIL COMMUNICATION AND INTERACTION WITH APPOINTED CERTAIN COMMISSIONS AND COMMITTEES

1.01 Purpose and Objectives

In order to assist it in setting direction for the city, the City Council considers the advice of its various commissions, committees, task forces, and ad hoc advisory groups. The City Council has historically engaged a wide variety of citizens on the commissions and committees in order to expand the knowledge and experience base of the elected decision makers. This policy is intended to create a more formalized method for keeping the Council and the City's citizen volunteers connected and informed and to outline roles, responsibilities and expectations.

1.02 Exceptions and Exclusions

The Planning Commission and the Board of Zoning Appeals have distinct roles and responsibilities outlined by state statute. As a result of their quasi-judicial nature, the expectations and requirements established through this policy will not apply to either of these bodies.

1.03 Communication and Work Plans

Each commission, committee, task force, and ad hoc advisory group is responsible to investigate and make thoughtful recommendations to the City Council and/or city staff on issues coming before it. Such recommendations are often most useful if they include any alternatives that were considered and an analysis of the pros and cons of those alternatives.

Matters upon which a board makes recommendations can come from the City Council, from city staff, the citizens of Mission, and from the board members themselves. The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources.

Ideas or projects will often originate with the consideration and adoption of goals by the City Council. Each commission, committee, task force, and ad hoc advisory group will be asked to consider such goals and to coordinate with the designated staff liaison in the development of a work plan each year.

The normal channels for communication between the City Council and the commission or committee are through the City Council liaison and the staff liaison. Such persons will periodically report to the Council the deliberations and recommendations of the group. The chair of each commission or committee will make a formal report to the entire Governing Body at least two times each year.

In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

1.04 Council Liaison - Roles and Responsibilities

In order to enhance communication, City Council liaison positions to the Parks, Recreation and Tree Commission, ~~CIP Committee~~, and the Sustainability Commission, the Mission Magazine editorial board and the Family Adoption Committee are formally established. The role of the Council liaison is not to direct the board in its activities or work. The liaison will serve as a point of contact and connection for the commission or committee, rather than an advocate for or ex-officio member.

The City Council liaison shall have the following roles and responsibilities:

1. Attend meetings of the commission or committee.
2. Communicate with the commission or committee when City Council communication is needed and to serve as a two-way communications channel between the City Council and the commission or committee.
3. Work with the staff liaison to establish or align priorities or resolve questions about the appropriate roles of the City Council, municipal government, and the commission or committee.
4. Participate in reviewing applications, and interviewing candidates for the commission or committee.

1.05 City Council Liaisons - Appointment and Selection

Two Council liaison positions will be created for each of the following: Parks, Recreation and Tree Commission, ~~CIP Committee~~, and the Sustainability Commission. At least one Council liaison position will be established for the Mission Magazine Editorial Board and the Family Adoption Committee. Appointments shall be made for a period of two (2) years in order to allow the Council liaison an opportunity to become familiar with the members and their established work plan, goals and objectives. Council liaison appointments will be made in December of odd-numbered years, or as a vacancy occurs.

APPROVED BY THE CITY COUNCIL ON APRIL 17, 2019

REVISED AND APPROVED BY THE CITY COUNCIL ON DECEMBER 15, 2021

CITY OF MISSION

CITY COUNCIL POLICY MANUAL

POLICY NO. 130

CITY COUNCIL COMMUNICATION AND INTERACTION WITH APPOINTED CERTAIN COMMISSIONS AND COMMITTEES

1.01 Purpose and Objectives

In order to assist it in setting direction for the city, the City Council considers the advice of its various commissions, committees, task forces, and ad hoc advisory groups. The City Council has historically engaged a wide variety of citizens on the commissions and committees in order to expand the knowledge and experience base of the elected decision makers. This policy is intended to create a more formalized method for keeping the Council and the City's citizen volunteers connected and informed and to outline roles, responsibilities and expectations.

1.02 Exceptions and Exclusions

The Planning Commission and the Board of Zoning Appeals have distinct roles and responsibilities outlined by state statute. As a result of their quasi-judicial nature, the expectations and requirements established through this policy will not apply to either of these bodies.

1.03 Communication and Work Plans

Each commission, committee, task force, and ad hoc advisory group is responsible to investigate and make thoughtful recommendations to the City Council and/or city staff on issues coming before it. Such recommendations are often most useful if they include any alternatives that were considered and an analysis of the pros and cons of those alternatives.

Matters upon which a board makes recommendations can come from the City Council, from city staff, the citizens of Mission, and from the board members themselves. The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources.

Ideas or projects will often originate with the consideration and adoption of goals by the City Council. Each commission, committee, task force, and ad hoc advisory group will be asked to consider such goals and to coordinate with the designated staff liaison in the development of a work plan each year.

The normal channels for communication between the City Council and the commission or committee are through the City Council liaison and the staff liaison. Such persons will periodically report to the Council the deliberations and recommendations of the group. The chair of each commission or committee will make a formal report to the entire Governing Body at least two times each year.

In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

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In order to enhance communication, City Council liaison positions to the Parks, Recreation and Tree Commission, , Sustainability Commission, the Mission Magazine editorial board and the Family Adoption Committee are formally established. The role of the Council liaison is not to direct the board in its activities or work. The liaison will serve as a point of contact and connection for the commission or committee, rather than an advocate for or ex-officio member.

The City Council liaison shall have the following roles and responsibilities:

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2. Communicate with the commission or committee when City Council communication is needed and to serve as a two-way communications channel between the City Council and the commission or committee.
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1.05 City Council Liaisons - Appointment and Selection

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APPROVED BY THE CITY COUNCIL ON APRIL 17, 2019

REVISED AND APPROVED BY THE CITY COUNCIL ON DECEMBER 15, 2021

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2022 Property, Casualty and General Liability Insurance Renewals

RECOMMENDATION: Authorize the purchase of property and liability insurance with Travelers Insurance Company for the policy period of January 1, 2022 through December 31, 2022 at an estimated total annual premium not to exceed \$142,604.

DETAILS: The City maintains several lines of insurance coverage including property, inland marine, automobile, crime, and general liability with the intent of reducing the City's exposure to risk and protecting assets. The City utilizes CBIZ Insurance Services, a third-party broker, to procure this coverage and provide assistance in matters regarding property and liability insurance throughout the year. Their costs are built into the annual premiums.

The City has maintained insurance coverage with Travelers for the past four years. This year, Travelers submitted a proposal to offer the same lines of coverage for 2022 for a cost of \$142,604, which represents an increase of 2% over the 2021 premiums (\$140,769).

Property insurance experienced the biggest premium increase for 2022. Property coverage has been experiencing industry wide premium increases due to the frequency and severity of claims. The California wildfires and the Gulf Coast hurricanes are prime examples of the severe weather events that have had an impact on the insurance industry over the past few years. The severe thunderstorm that passed over Iowa in August of 2020 caused over \$7.5 billion in damage making it the costliest thunderstorm to date. Because of this event, and the general propensity for severe thunderstorms in the midwest, deductibles for windstorm and hail are now \$50,000 per occurrence.

Travelers will continue to offer the same level of liability coverage that it has offered for the past few years including a \$2 million limit for each occurrence (total of \$5 million with a \$3 million umbrella policy).

Staff recommends renewing the property and liability insurance coverage for the 2022 policy year with Travelers Insurance Company for a total of \$142,604.

In addition to the coverage lines addressed above, the City has purchased cyber-liability insurance coverage for the past four years through Axis Insurance Company. Cyber-liability insurance provides protection for the City in cases of extortion loss or ransomware loss through a cyber mechanism or accidental loss of confidential data that is stored electronically. It also provides assistance in investigating such losses including

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Various
Available Budget:	\$142,500

City of Mission	Item Number:	8.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

legal expenses and public relations expenses.

The insurance market for cyber-liability insurance has become very volatile over the past year. With the significant number of both private public sector employees working remotely over the past year, corporate networks have become much more susceptible to cyber attacks. Axis Insurance Company informed the City recently that it will no longer be offering this type of insurance coverage. CBIZ has been researching coverage with other carriers, but has not found an acceptable alternative for Mission at this time. They will continue to work on cyber-liability coverage, and staff will bring back a proposal at a later date.

Premium Comparison - 2019 through 2022

	2019 Travelers/Axis	2020 Travelers/Axis	2021 Travelers/Axis	2022 Travelers
Base Premium*	\$ 119,780	\$ 125,394	\$ 140,444	\$ 142,604
Cyber Liability	\$ 3,238	\$ 3,150	\$ 3,623	\$ 0
Total Premium	\$ 123,018	\$ 128,544	\$ 144,067	\$ 142,604

*Base Premium includes property, inland marine, liability, auto, and umbrella coverage.

Staff is recommending that the City renew its property and general liability insurance coverage with Travelers for the 2022 policy year in the amount of \$142,604.

A total of \$144,000 has been budgeted in the adopted 2021 Annual Budget for this expenditure.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Various
Available Budget:	\$142,500



BUSINESS INSURANCE PROPOSAL



Presented to:



City of Mission
6090 Woodson Rd
Mission KS 66202



CBIZ PUBLIC ENTITY TEAM

INDIVIDUAL / TITLE	FUNCTIONAL POSITION
TEAM LEADER Tom McGuire Direct Line: 816-945-5293 Fax: 816-897-1127 Cell: 913-307-6048 E-mail: tfmcguire@cbiz.com	Your account representative responsible for overall delivery of excellent service.
SENIOR ACCOUNT EXECUTIVE Erik Hage, CPCU, ARM Direct Line: 816-841-4005 Cell: 612-251-7129 E-mail: ehage@cbiz.com	Your primary contact and the senior person responsible for coordinating and implementing the activities of the various specialists who will provide for your service needs. This includes the coordination of technical services, program services, claims management and claim reviews.
SENIOR ACCOUNT MANAGER Nate Byarlay, MBA, ARM, AINS Direct Line: 816-945-5514 Fax: 816-897-1222 E-mail: nbyarlay@cbiz.com	Responsible for day-to-day service activities, correspondence, account file maintenance, certificates, invoicing, financial accounting, etc
CBIZ CLAIMS DEPARTMENT Leslie Plumberg Direct Line 816-945-5451 E-mail: leslie.plumberg@cbiz.com	Responsible for the reporting of claims to carriers. Involved in initial submission of claims and follow-up with insurance company claims personnel.

This is a summary of your insurance coverages. It is designed for your convenience. It does not alter or extend coverage in any way. Please consult your insurance contract for specific policy terms, conditions, or exclusions.



PREMIUM SUMMARY

Coverage	Travelers 2020/2021 Premium	Travelers 2021/2022 Premium	Travelers 2022/2023 Premium
Property	\$43,559	\$48,311	\$52,001
Crime	\$1,453	\$1,453	\$1,453
Inland Marine	\$2,815	\$3,272	\$3,081
General / Professional Liability	\$52,077	\$54,379	\$54,315
Automobile	\$23,537	\$28,759	\$26,258
Umbrella	\$3,822	\$4,595	\$5,496
Package Total	\$127,263	\$140,769	\$142,604
Cyber Liability	\$3,150	\$3,283	TBD
Total	\$130,413	\$144,052	\$142,604

Marketing Report:

- Package
 - Approached Intact to provide quote on Package lines.
 - Intact declined due to inability to write new Law Enforcement Liability risks until new reinsurance treaties are negotiated.



PROPERTY

Company: Travelers Property Casualty Company of America
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022– January 01, 2023

Coverage	2021/2022 Limits	2022/2023 Limits	Deductible
Blanket Building & Business Personal Property	\$30,762,760	\$30,677,965	\$10,000
Business Income & Extra Expense	\$1,275,000	\$1,275,000	72 Hours
Earthquake	\$5,000,000	\$5,000,000	\$25,000
Flood (Zones A & V Excluded)	\$5,000,000	\$5,000,000	\$50,000

Valuation:

Subject of Insurance	Valuation	Coinsurance
Building	Replacement Cost	N/A
Business Personal Property	Replacement Cost	N/A

Perils Insured:

- Direct Physical Loss subject to policy exclusions
- Equipment Breakdown Included

Policy Extensions:

- Causes Of Loss – Special
- Personal Property at Undescribed Premises
 - At any “exhibition premises” \$50,000
 - At any other not owned, leased or regularly operated premises \$50,000
- Utility Services
 - Direct Damage – in any one occurrence \$50,000
 - Coverage is provided for the following:
 - Water Supply
 - Communication Supply
 - Power Supply
- Windstorm/Hail Deductible: \$50,000 in any one occurrence

Equipment Breakdown:

- Spoilage \$250,000
- Ammonia Contamination \$250,000
- Hazardous Substance \$250,000



PROPERTY, CONTINUED

Particular Coverage:

- Personal Property in Transit \$50,000
- Accounts Receivable
 - At all described premises \$100,000
 - In transit or at all undescribed premises \$100,000
- Appurtenant Buildings and Structures \$100,000
- Claim Data Expense \$25,000
- Covered Leasehold Interest – Undamaged Improvements & Betterments
 - Lesser of Your Business Personal Property Limit or: \$100,000
- Debris Removal \$250,000
- Deferred Payments \$25,000
- Electronic Data Processing Data and Media \$50,000
- Employee Tools
 - In any one occurrence \$25,000
 - Any one item \$2,500
- Expediting Expenses \$25,000
- Extra Expense \$25,000
- Fine Arts
 - At all described premises \$50,000
 - In transit \$25,000
- Fire Department Service Charge Included
- Fire Protective Equipment Discharge Included
- Green Building Alternatives – Increased Costs
 - Percentage 1%
 - Maximum amount – each building \$100,000
- Green Building Reengineering and Recertification Expense \$25,000
- Limited Coverage for Fungus, Wet Rot or Dry Rot – Annual Aggregate \$25,000
- Loss of Master Key \$25,000
- Newly Constructed or Acquired Property
 - Each Building \$2,000,000
 - Personal Property at Each Premises \$1,000,000
- Non-owned Detached Trailers \$25,000
- Ordinance or Law Coverage \$250,000
- Outdoor Property \$50,000
 - Any one tree, shrub or plant \$2,500
- Outside Signs
 - At all described premises \$100,000
 - At all undescribed premises \$5,000
- Personal Effects \$50,000
- Personal Property at Premises Outside of the Coverage Territory \$50,000
- Personal Property In Transit Outside of the Coverage Territory \$25,000
- Pollutant Cleanup and Removal – Annual Aggregate \$100,000
- Preservation of Property
 - Expenses to move and temporarily store property \$250,000
 - Direct loss or damage to moved property Included
- Reward Coverage 25% of covered loss up to a maximum of \$25,000
- Stored Water \$25,000
- Theft Damage to Rented Property Included
- Undamaged Parts of Stock in Process \$50,000
- Valuable Papers and Records – Cost of Research
 - At all described premises \$100,000



PROPERTY, CONTINUED

- In transit or at all undescribed premises \$100,000
- Water or Other Substance Loss – Tear Out and Replacement Expense Included

Deluxe Business Income - Additional Coverages & Coverage Extensions:

- Business Income from Dependent Property
 - At Premises Within the Coverage Territory \$250,000
 - At Premises Outside of the Coverage Territory \$100,000
- Civil Authority
 - Coverage Period 30 days
 - Coverage Radius 100 miles
- Claim Data Expense \$25,000
- Contract Penalties \$25,000
- Extended Business Income
 - Coverage Period 180 days
- Fungus, Wet Rot or Dry Rot - Amended Period of Restoration
 - Coverage Period 30 days
- Green Building Alternatives ~ Increased Period of Restoration
 - Coverage Period 30 days
- Ingress or Egress \$25,000
 - Coverage Radius 1 mile
- Newly Acquired Locations \$500,000
- Ordinance or Law - Increased Period of Restoration \$250,000
- Pollutant Cleanup and Removal - Annual Aggregate \$25,000
- Transit Business Income \$25,000
- Undescribed Premises \$25,000



INLAND MARINE

Company: Travelers Property Casualty Company of America
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage	Limit	Deductible
Scheduled Contractors Equipment	\$665,184	\$1,000
Unscheduled Contractors Equipment	\$100,000	\$1,000
Leased, Rented or Borrowed	\$100,000	\$1,000
Scheduled Property	\$142,449	\$1,000

Valuation:

Subject of Insurance	Valuation	Coinsurance
Equipment	Actual Cash Value	80%

Perils Insured:

- Direct Physical Loss subject to policy exclusions

Other Terms and Conditions:

- Coverage Extensions
 - Business Personal Property In Job Trailers \$10,000
 - Document And Data Restoration Costs \$50,000
 - Fire Protective Systems \$75,000
 - Hauling Property Of Others \$100,000
 - Newly Acquired Equipment – Per Item \$250,000
 - Rental Costs
 - Any One Item \$5,000
 - Any One Occurrence \$25,000
 - Upgrades To Covered Property \$25,000
- Additional Coverages
 - Claim Data Expenses \$5,000
 - Continuing Rental Payments:
 - Any One Item \$5,000
 - Any One Occurrence \$25,000
 - Contract Penalty \$25,000
 - Debris Removal Increased Limit \$75,000
 - Employee Tools, Equipment And Clothing
 - Any One Item: \$1,000
 - Any One Employee: \$2,500
 - Any One Occurrence: \$5,000



INLAND MARINE, CONTINUED

- Errors Or Unintentional Omissions \$100,000
- Expediting Expenses \$25,000
- Expendable Supplies \$10,000
- Fire Or Police Department Service Charge \$25,000
- Lost Warranty Or Service Contract \$10,000
- Pollutant Clean Up And Removal \$25,000
- Preservation Of Property Expense \$50,000
- Reward Coverage \$2,500
- Tracking System Deductible Waiver Amount \$10,000



CRIME

Company: Travelers Property Casualty Company of America
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage Form: Discovery

Coverage	2021/2022 Limits	2022/2023 Limits	Deductible
Employee Theft	\$500,000	\$500,000	\$2,500
Forgery & Alteration	\$100,000	\$100,000	\$2,500
Computer Fraud	\$100,000	\$100,000	\$2,500
Money Orders & Counterfeit Currency	Not Covered	Not Covered	N/A
Funds Transfer Fraud	\$100,000	\$100,000	\$2,500

Standard Exclusions:

- Acts Committed by Insured, Prior Knowledge, Disclosure of Confidential Information, Data Security Breach, Indirect Loss, Bonded Employees, Accounting or Arithmetical Errors, Transfer or Surrender of Property, Concealment, Misrepresentation, or Fraud



GENERAL LIABILITY

Company: The Charter Oak Fire Insurance Co
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage Form: Occurrence

Limits of Liability:

Coverage	Limits
General Aggregate (other than Products/Completed Operations)	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Each Occurrence – Bodily Injury & Property Damage	\$2,000,000
Personal & Advertising Injury	\$2,000,000
Damage to Premises Rented to You – Any One Premises	\$1,000,000
Medical Expenses - Any one person	Excluded
Each Abuse or Molestation Offense	\$1,000,000
Abuse or Molestation – Aggregate	\$2,000,000
GL Deductible (Per Claim or Per Occurrence)	Nil
Kansas Each Occurrence Statutory Cap	\$500,000

Rating Basis:

2021/2022 Expenditures	2022/2023 Expenditures
\$28,300,000	\$24,011,195

Standard Exclusions (refer to policy for full listing):

- Professional Liability, Pollution, Care, Custody and Control, Workers Compensation, Automobile, War, Nuclear, Criminal Acts, Asbestos, Mold, Employment Practices Liability, Fungus, Lead, Bacteria, Subsidence, EIFS, and Silica, Injury to Volunteer Firefighters



PUBLIC ENTITY LIABILITY

Company: The Charter Oak Fire Insurance Co
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage Form: Claims Made

Employee Benefits Liability:

Coverage	Limits
Aggregate Limit	\$3,000,000
Each Wrongful Act	\$1,000,000
Retroactive Date	01/01/1986
Deductible	\$1,000

Public Officials Errors & Omissions:

Coverage	Limits
Aggregate Limit	\$2,000,000
Each Wrongful Act	\$2,000,000
Retroactive Date	01/01/1986
Deductible	\$5,000
Claims Subject to KS Tort Claims Act	\$500,000

Employment Practices Liability:

Coverage	Limits
Aggregate Limit	\$2,000,000
Each Wrongful Act	\$1,000,000
Retroactive Date	01/01/1986
Deductible	\$5,000

Terms and Conditions

- Wrongful Act Batch Language
- Duty to Defend
- Broad Knowledge of Occurrence
- Workplace Violence Expenses Limit \$250,000
- Who is An Insured is extended to include
 - Employees, Volunteers, Operating Authorities, Board, Commission, Districts, or any other Governmental Units, provided that you operate, control and fund said unit



PUBLIC ENTITY LIABILITY, CONTINUED

- Current or Previously Elected or Appointed Officials
- Employment Practices Offense(s) means:
 - Demotion or failure to promote
 - Wrongful termination
 - Negligent hiring or supervision
 - Retaliation
 - Coercing an employee or volunteer to commit an unlawful act of omission
 - Work-related harassment or sexual harassment
 - Employment-related libel, slander, invasion of privacy, defamation, humiliation, or misrepresentation
 - Other work-related verbal, physical, mental or emotional abuse arising from discrimination

Claims Made Notice:

Except to such extent as may otherwise be provided herein, the coverage of this policy is generally limited to liability for only those claims that are first made against the insureds during the policy period and reported in writing to the insurer pursuant to the terms herein.



LAW ENFORCEMENT LIABILITY

Company: The Charter Oak Fire Insurance Co
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage Form: Claims Made

Coverage	Limits
Aggregate Limit	\$2,000,000
Each Wrongful Act	\$1,000,000
Retroactive Date	01/01/1986
Deductible	\$5,000
Kansas Statutory Cap	\$500,000

Terms and Conditions

- Duty to Defend
- Broad Knowledge of Occurrence
- Law Enforcement Wrongful Act(s) means any actual or alleged act, error, misstatement, misleading statement, omission, neglect or breach of duty by an insured arising from a law enforcement activity

Claims Made Notice:

Except to such extent as may otherwise be provided herein, the coverage of this policy is generally limited to liability for only those claims that are first made against the insureds during the policy period and reported in writing to the insurer pursuant to the terms herein.



AUTOMOBILE

Company: The Phoenix Insurance Company
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage	Symbol	Limits
Bodily Injury & Property Damage - Combined Single Limit	1	\$1,000,000
Medical Payments – Each Person	2	\$5,000
Uninsured/Underinsured Motorist	2	\$1,000,000
Physical Damage - Comprehensive	2, 8	\$1,000
Physical Damage – Collision	2, 8	\$1,000
Kansas Statutory Cap	\$500,000	

Symbol	Description Of Covered Auto Designation Symbols	
1	Any "Auto"	
2	Owned "Autos" Only	Only those "autos" you own (and for Covered Autos Liability Coverage any "trailers" you don't own while attached to power units you own). This includes those "autos" you acquire ownership of after the policy begins.
3	Owned Private Passenger "Autos" Only	Only the private passenger "autos" you own. This includes those private passenger "autos" you acquire ownership of after the policy begins.
4	Owned "Autos" Other Than Private Passenger "Autos" Only	Only those "autos" you own that are not of the private passenger type (and for Covered Autos Liability Coverage any "trailers" you don't own while attached to power units you own). This includes those "autos" not of the private passenger type you acquire ownership of after the policy begins.
5	Owned "Autos" Subject To No-fault	Only those "autos" you own that are required to have no-fault benefits in the state where they are licensed or principally garaged. This includes those "autos" you acquire ownership of after the policy begins provided they are required to have no-fault benefits in the state where they are licensed or principally garaged.
6	Owned "Autos" Subject To A Compulsory Uninsured Motorists Law	Only those "autos" you own that because of the law in the state where they are licensed or principally garaged are required to have and cannot reject Uninsured Motorists Coverage. This includes those "autos" you acquire ownership of after the policy begins provided they are subject to the same state uninsured motorist's requirement.
7	Specifically Described "Autos"	Only those "autos" described in Item Three of the Declarations for which a premium charge is shown (and for Covered Autos Liability Coverage any "trailers" you don't own while attached to any power unit described in Item Three).
8	Hired "Autos" Only	Only those "autos" you lease, hire, rent or borrow. This does not include any "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.
9	Non-owned "Autos" Only	Only those "autos" you do not own, lease, hire, rent or borrow that are used in connection with your business. This includes "autos" owned by your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households but only while used in your business or your personal affairs.



AUTOMOBILE, CONTINUED

Rating Basis:

2021/2022 Number of Units	2022/2023 Number of Units
48	47

Standard Exclusions:

- Expected or Intended Injury, Contractual, Workers Compensation, Employers Liability, Fellow Employee, Care, Custody and Control, Handling of Property, Movement of Property by Mechanical Device, Completed Operations, Pollution, War, Racing, Nuclear.

Policy Extensions:

- Hired Auto Physical Damage
 - Comprehensive/Collision deductibles: \$1,000/\$1,000
- Number of Autos (excluding Trailers): 40
- Number of Trailers: 7



UMBRELLA

Company: Travelers Property Casualty Company of America
 A.M. Best Rating: A++; XV

Policy Period: January 01, 2022 – January 01, 2023

Coverage	Limits
General Aggregate	\$3,000,000
Each Occurrence	\$3,000,000
Self-Insured Retention	\$10,000
Crisis Management Service Expenses	\$50,000
Defense Coverage	Outside Limits

Underlying Policies and Limits:	
General Liability	
Each Occurrence	\$2,000,000
General Aggregate Limit	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal & Advertising Injury	\$2,000,000
Public Officials Errors & Omissions	
Each Claim	\$2,000,000
Aggregate Limit	\$2,000,000
Public Officials Employment Practices Liability	
Each Claim	\$1,000,000
Aggregate Limit	\$2,000,000
Public Officials Employee Benefits Liability	
Each Claim	\$1,000,000
Aggregate Limit	\$3,000,000
Law Enforcement Liability	
Each Claim	\$1,000,000
Aggregate Limit	\$2,000,000
Auto Liability	
Combined Single Limit	\$1,000,000

Standard Exclusions:

- Professional Liability, Care, Custody & Control (Real & Personal Property), Mold, Lead, Asbestos, Pollution, Subsidence, Employment Practices Liability, Criminal Acts, Nuclear, War, Workers Compensation, Fungus.



PAYMENT PLANS & TERMS

Payment of Premiums:

If your policies are billed by CBIZ and not directly from the carrier, payment is due the later of the effective date or 30 days after the invoice date.

For certain policies, normal credit terms are not available and payment must be received **before** the insurance carrier will issue your policy. Your Service Team will inform you of such exceptions.



CLAIMS-MADE POLICIES

OCCURRENCE VERSUS CLAIMS MADE COVERAGE.

Insurance written on an occurrence form provides coverage for events or wrongful acts solely occurring during the policy period. The claim from the wrongful act can be brought in the future after the policy expires and still have coverage respond. For example, if you buy an auto policy that is valid for one year, then it will cover an accident that happens during that one-year period, even if a lawsuit isn't filed until after the policy has already expired. On the other hand, **coverage is triggered for a claims-made insurance policy only when a claim is first reported during the policy period**, even if the injury actually occurred prior to the inception date of the insurance policy. Conversely, if the injury occurs during the policy period and a claim isn't reported until after the policy has expired, then the policy will not provide coverage. Management liability and professional liability policies are typically on claims-made forms. The common exceptions are media liability and health care professional liability, which tend to be on occurrence forms.

WHAT IS A "RETROACTIVE DATE"?

Claims-made policies also often contain a retroactive date that specifies the earliest point in time for which the insurance will provide coverage. The coverage applies to actual or alleged wrongful acts from the retroactive date forward. Only injuries or wrongful acts occurring after the retroactive date will be covered by a claims-made policy.

WHAT IS A "CONTINUITY DATE"?

This is synonymously called the "prior and pending litigation date." Similar to a retroactive date, this feature sets a date in time for prior or active litigation but not wrongful acts. This clause will state that any litigation of any type that initiated prior to the continuity date will not be covered, even if the allegations were not part of a potentially covered claim. Many claims can evolve from one type to another. For example, a pollution event could harm the value of a corporation and evolve into a Directors & Officers Liability claim, or a Privacy Litigation claim could evolve into a Directors and Officers Liability claim. This date is typically set as the date the named insured first bought a type of insurance policy. When moving coverage from one insurer to another, it is critical to maintain your continuity date.

WHAT IS A "CLAIM"?

Often a claims-made policy will define the term "claim" quite broadly to include much more than just a lawsuit. Many policies define "claim" to include written demands for damages as well as proceedings such as arbitration, administrative (such as those brought by the SEC or EEOC), regulatory, mediation and civil proceedings. The language of each particular policy will govern what constitutes a claim. If you receive a demand or threat of any kind, however, and are unsure what to do, then contact your insurance agent or your insurance company promptly.

DOES THE INSURANCE HAVE A CLAIM REPORTING REQUIREMENT?

Claims-made policies require that claims must be reported to the insurance company before the insurer will respond to the claim. Obviously the insurer's participation in the claim process often cannot begin until the claim is reported. Claims should be reported promptly to preserve your rights under the policy. The insurer will often reserve their rights to cover any defense expenses incurred prior to their receipt of the claim. They will need to consent to any expenses if you wish to have those expenses insured. Different policies set different time periods for reporting claims. For example, claims normally must be reported as soon as practicable within the policy period. Other policies offer a limited grace period after the policy expiration for up to 30 or 60 days. In some instances this grace period is only provided if coverage is discontinued. If coverage is continuous – the policy was renewed with the same insurer or a new insurer – the claim will be made on the next policy assuming you have backdated both the retroactive date and the continuity date to match the preceding policy. You should consult the specific language of your policy to verify your reporting requirements. Your insurance broker should also be able to offer assistance.



CLAIMS-MADE POLICIES, CONTINUED

Failure to report a claim within the period set by the policy can seriously prejudice your rights under the policy, including an outright coverage denial by the insurer.

DO YOU HAVE THE RIGHT TO REPORT A CIRCUMSTANCE THAT IS NOT YET A “CLAIM”?

Many policies now provide you with the ability to report a circumstance that could give rise to a claim prior to receiving an actual claim. This provision enables you to report potential claims or circumstances under the policy for protection in the event such circumstances eventually evolve into claims.

We recommend reporting known circumstances anytime you are considering changing insurers so you are less likely to have complications with a new insurer. It is also recommended to send notice of potential circumstances prior to your policy expiration so you can preserve the limits of your next policy for new and unknown claims.

WHAT IS A DUTY TO DEFEND POLICY?

A duty to defend policy allows the insured to tender the defense of a claim to the insurance company. The insurance company will select counsel and control the defense of the claim. Typically a duty to defend policy form obligates the insurance company to provide a defense if coverage is applicable to any of the allegations in the claim.

A NON-DUTY TO DEFEND

A policy that allows the insured to select its own counsel and defense costs may be advanced or reimbursed by the insurance company. If there are matters that the insurer deems uninsurable under the terms of the policy, they will have the ability to allocate their reimbursement based upon covered and uncovered loss on an ongoing basis.

WHAT IS A HAMMER CLAUSE?

The “hammer clause” is also called the consent to settle clause. Many insurers have a provision that says that if the plaintiff offers to settle for a certain amount, the maximum the insurer will pay is that offered amount plus expenses paid up to the date of the settlement offer. It is their way to encourage the named insured to make a business decision to resolve the claim and move on to other business. The insured can continue to fight the claim for whatever reason, but not with the insurer’s money. Many carriers now offer “softened” consent to settlement provisions of 50/50, 75/25 or 80/20. Such softened clauses allow the carrier to contribute to settlements and/or defense costs at the specified percentage (i.e. 50/50 = 50% allocated to carrier, 50% at insured’s expense). Some carriers will consider deleting the provision in its entirety.

SUMMARY

For a claims-made policy to cover an otherwise covered claim (per the definitions and exclusions in your policy), the following conditions will apply:

- 1) The injury, damage or alleged wrongful act must occur after the retroactive date;
- 2) The claim for that injury, damage or wrongful act must be made against the insured during the policy period; and
- 3) The claim must be reported to the insurer within the time specified.

It is advisable to report all claims and potential claims during the policy period to reduce coverage limitations based upon missing the claims reporting deadline. The most common reason for denial of coverage is late or improper reporting.



COMPENSATION DISCLOSURE

The purpose of this disclosure is to explain to you how we are compensated for our work.

Compensation Disclosure – Commission Only Basis

For the placement and service of your insurance program, CBIZ will receive commission-based compensation from selected insurance companies and/or wholesale intermediaries.

CBIZ Insurance Services has been and will continue to be committed to acting in our client's best interest by providing services and products that meet our clients' needs as communicated to CBIZ. From time to time, CBIZ may participate in agreements with one or more insurance companies or third party vendors, in connection with the insurance related transactions, to receive additional compensation or consideration. These compensation arrangements are provided to CBIZ as a result of the performance and expertise by which products and services are provided to the client and may result in enhancing CBIZ's ability to access certain markets and services on behalf of CBIZ clients. More information regarding these agreements and the consideration received pursuant to these agreements is available upon written request.



A.M. BEST COMPANY RATING INFORMATION

Each year the A.M. Best Company reviews the financial status of thousands of insurers, culminating the assignment of Best's ratings. These ratings reflect their current opinion of the relative financial strength and operating performance of an insurance company in comparison to the norms of the property/casualty insurance industry. Ratings are assigned after extensive analysis measuring the performance of each company in such vital areas as: Competency of Underwriting, Control of Expenses, Adequacy of Reserves, Soundness of Investments, and Capital Sufficiency.

Rating Guide:

A++, A+ (Superior)	A & A- (Excellent)	B++, B+ (Good)
B, B- (Fair)	C++, C+ (Marginal)	C, C- (Weak)
D (Poor)	E (Under Regulatory Supervision)	F (In Liquidation)

Financial Size Category: (In \$000 of Reported Policyholders' Surplus Conditional Reserve Funds)

I	Less than 1,000	VIII	100,000 to 250,000
II	1,000 to 2,000	IX	250,000 to 500,000
III	2,000 to 5,000	X	500,000 to 750,000
IV	5,000 to 10,000	XI	750,000 to 1,000,000
V	10,000 to 25,000	XII	1,000,000 to 1,250,000
VI	25,000 to 50,000	XIII	1,250,000 to 1,500,000
VII	50,000 to 100,000	XIV	1,500,000 to 2,000,000
		XV	2,000,000 or greater



TERRORISM NOTICE

On January 12, 2015, the President signed into law the Terrorism Risk Insurance Program Reauthorization Act of 2015.

This Act amends the Terrorism Risk Insurance Act of 2002 (TRIA) to extend the Terrorism Insurance Program through December 31, 2020, with modifications.

Modifications include:

- a. A change in the federal share of payments beginning on January 1, 2016, for acts of terrorism, to be reduced annually to 80% of insured losses.
- b. Specifies the aggregate industry insured losses resulting from certified acts of terror will, beginning calendar years 2015-2019, trigger the federal share of compensation under the Program as: (1) \$100 million for 2015; (2) \$120 million for 2016; (3) \$140 million for 2017; (4) \$160 million for 2018, (5) \$180 million for 2019; and (6) \$200 million for 2020 and thereafter.
- c. Revises requirements for mandatory recoupment from insurers and the formula used to determine the insurance marketplace aggregate retention amount.
- d. Redefines "an act of terrorism" as one that is certified as such by the Secretary of the Treasury in consultation with the Secretary of Homeland Security (previously, in concurrence with the Secretary of State).

We encourage you to visit GovTrack.us for a detailed summary of the reauthorization act.

<https://www.congress.gov/116/plaws/publ94/PLAW-116publ94.pdf>

https://content.naic.org/cipr_topics/topic_terrorism_risk_insurance_act_tria.htm



IMPORTANT ISSUES – PLEASE READ

The property and liability limits that we illustrate in this proposal are options only. We can provide additional alternative limit options if you request. The selection of limits is solely your decision.

Our relationship with you is based on trust and we do our best to make no representation that would mislead anyone about any aspect of the products or services we offer. We value your trust. Therefore, we will continue to do all that we can to fully represent you in the insurance market place.

Loss Control

Loss control is a daily responsibility of your management. Our visits are not a substitute for your own loss control program. Recommendations are developed from conditions observed at the time of our visit. They do not include every possible loss potential, code violation, or exception to good practice.

Our inspections, reports and recommendations are provided to assist in your efforts to establish and maintain a safe workplace and do not warrant workplace safety or compliance with applicable laws, regulations or standards. Our observations and suggestions are not a substitute for legal advice. You are encouraged to seek appropriate legal counsel when implementing a program or process to maintain a comprehensive workplace safety program.

FEMA Flood Zone

If Flood coverage is included in this proposal it is based on information regarding the FEMA Flood zone determination for your property that is currently available to the proposed insurance carrier. Such determinations are subject to change at any time and CBIZ cannot be held responsible for any changes in the flood zone determination reflected herein subsequent to the date of this proposal.

Consider buying flood and earthquake coverage. Neither flood loss nor earthquake loss are covered under standard property policies. All of us have exposure to floods, sewer backup and earthquakes.

State Assessments and Surcharges

Your policy may be subject to state assessments and surcharges that may alter your base premium. Although we routinely try to gather this information in the quotation process, it is not always available.

Claim Reporting Requirements

Changing market conditions have had an adverse effect on many carriers' claim reporting terms and conditions. Many policy forms now include verbiage that severely restricts or negates coverage should a carrier not be immediately notified of a claim or potential claim. Refer to your policies for a more complete explanation of your carrier's reporting requirements.

Confidentiality

We will treat information you provide us in the course of our professional relationship as confidential and will use it only in performing services for you. We may share this information with third parties as may be required to provide services. We may also disclose this information to the extent required to comply with applicable laws or regulations or the order of any court or tribunal. Records you provide us will remain your property and will be returned to you upon request. You will treat any information we provide to you, including data, recommendations, proposals or reports as confidential, and you will not disclose it to any third parties. You may disclose this information to the extent required to comply with applicable laws or regulations or the order of any court or tribunal. We retain the sole rights to all of our proprietary computer programs, systems, methods and procedures and to all files developed by us.



IMPORTANT ISSUES, CONTINUED

Payment of Premiums

If your policies are billed by CBIZ and not directly from the insurance carrier, payment is due the later of the effective date or 30 days after the invoice date.

Premium Financing

You may choose to use a premium finance company in connection with the insurance coverages we place for you or the services we provide to you. Premium finance options are not always available. Where permitted by law, we may receive a fee for the administrative services we provide those companies. These services include processing the premium finance applications and marketing and sales support they do not have.

Vacancy Restrictions

Most property insurance policies restrict coverage on buildings that have been vacant beyond a specified period of time (usually 30 or 60 days). For example, a standard commercial property policy does not cover losses arising from vandalism, sprinkler leakage (unless the system has been protected from freezing), building glass breakage, theft, or attempted theft if the building where the loss occurs has been vacant for more than 60 consecutive days before the loss. Recovery for other insured losses is reduced by 15 percent under the same circumstances. It is also important to be aware of the policy's definition of "vacancy." Under a standard commercial property policy, if the insured is a building owner or general lessee, a building is considered vacant unless at least 31 percent of its total square footage is used by the building owner, a lessee, or a sub lessee to conduct their customary operations. If the insured is a tenant, the vacancy provision applies only to the space leased to the insured, and this space is considered vacant when it does not have enough contents for the insured to carry on normal business operations.

Exposure Changes

In evaluating your exposures to loss, we are dependent upon information provided by you. You ultimately choose the values elected. If there are any areas that need to be evaluated prior to binding coverage, or should any of your exposures change after coverage is bound, such as the beginning of new operations, hiring employees in new states, buying additional property, autos, equipment, etc., please let us know so coverage can be discussed. While we will strive to place your insurance with reputable, highly rated companies, we cannot guarantee the financial stability of an insurance company.

In order to ensure that your important changes are properly communicated, the binding or altering of coverage must be confirmed in writing by agency personnel.

The changes in exposure that have an impact on your insurance program include, but are not limited to, those listed below:

1. Changes to any operation such as expansion to other state, new products, etc.
2. Mergers and/or acquisitions of new companies
3. Any assumed contractual liability, granting of indemnities, or hold harmless agreements
4. Circumstances which may require an increase in liability insurance limits
5. Any changes to fire or theft protection, such as installation or disconnection of sprinkler system, burglar alarms, etc. This includes alterations to same.
6. Any changes to scheduled equipment such as contractors' equipment, computer equipment, etc.
7. Property, of yours that is in transit, unless we have previously arranged for this insurance.
8. Any changes in existing premises including vacancy, whether temporary or permanent, alterations, demolition, etc. Also, any new premises purchased, constructed, or occupied.
9. Any new exposures or plans for foreign travel or operations

Please notify us throughout the year of changes to your business that may affect your exposure to risk. Failure to do so may result in uncovered losses.



ORDER TO BIND

Please bind the coverage

 As set forth in the quotes recommended by CBIZ Insurance Services, Inc.

Or

 As follows:

(Insert complete instructions for binding including carrier, limits, options, etc)

City of Mission, KS

Signature:

Name:

Title:

Date:



City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2022 Workers' Compensation Insurance Renewal

RECOMMENDATION: Approve the City's 2022 workers' compensation coverage through the Kansas Eastern Regional Insurance Trust (KERIT) for an estimated annual premium of \$144,416.

DETAILS: The City has been a member of the Kansas Eastern Regional Insurance Trust (KERIT), a workers' compensation pool for local governments in Kansas, since 2009. The Trust comprises eighteen member cities and counties.

The 2022 premium for workers' compensation coverage has been estimated at \$144,416, which is paid in two installments, the first in January and the second in July. Premiums are based on the City's annual payroll, the level of exposure to risk that certain jobs may entail, and an experience modifier that reflects past claims. The 2022 premium is 4% less than the previous year. This is primarily due to fewer claims resulting in a reduced experience modifier.

KERIT Premiums - 2019 through 2022

Year	2019	2020	2021	2022
Total Premium	\$88,989 (audited)	\$105,464 (audited)	\$149,859 (estimated)	\$144,416 (estimated)

Growth in annual payroll due to merit increases and the addition of new positions will always influence workers' compensation premiums. However, increases in premium the past few years have been driven primarily by a very high experience modifier. The experience modifier is a reflection of the claims that the City has incurred. An experience modifier of one (1) is considered standard. The farther below one, the better. The higher above one, the worse.

The experience modifier is a rolling three year average so that the City is not suddenly hit with a high premium in one year. The City has experienced some significant claims over the past couple of years resulting in surgery and time off for injured employees. These claims have begun to show up in our experience modifier. The experience modifier for 2021 was 1.38. The experience modifier for 2022 is 1.31.

The City will undergo a payroll audit after the first of the year to review current year actual payroll expenses. Mid-year premiums are adjusted to reflect the results of the audit. This usually results in a reduction in premiums due to salary savings.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Personnel Line Items in the General Fund - 01-XX-102-05
Available Budget:	\$177,500 - FY 2022 Budget

City of Mission	Item Number:	9.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

The Trust continues to maintain a strong emphasis on loss control, and all member entities are actively engaged in proactive risk management activities. Because of this, members routinely receive a dividend from the trust when prior claim years are closed out. This year the City received a dividend distribution of \$5,743 from the trust.

Funds in the amount of \$177,500 were included in the 2022 Adopted Budget for workers' compensation premiums.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Personnel Line Items in the General Fund - 01-XX-102-05
Available Budget:	\$177,500 - FY 2022 Budget



**KANSAS EASTERN REGION INSURANCE TRUST (KERIT)
2022 RENEWAL PREMIUM PROJECTIONS**

MEMBER	CITY OF MISSION	2022		
Class Code	Class Code Description	Estimated Renewal Payroll	RATE	Manual Premium
5506	STREETS & ROAD	569,642	4.43	25,235
7720	POLICE OFFICERS & DRIVERS	1,993,429	2.67	53,225
8810	CLERICAL	904,881	0.12	1,086
8820	ATTORNEYS-ALL EMPLOYEES	110,000	0.13	143
8831	ANIMAL CONTROL	98,833	1.4	1,384
9015	BUILDINGS & SWIMMING POOL-PUBLIC	120,000	3.12	3,744
9063	HEALTH INSTITUTION, NOC	523,152	0.78	4,081
9102	PARKS, NOC	249,359	2.67	6,658
9410	MUNICIPAL COUNTY, NOC	514,162	6.56	33,729
TOTAL PAYROLL		5,083,458		129,284

Annual Gross Premium		129,284
Experience Modification		1.31
Total Standard Premium		169,362
Premium Discount	11.3%	(19,095)
Experience Modification Discount	0.0%	-
PLUS Discount	4.0%	(6,011)
Net Premium		144,256
Expense Constant		160
Total Net Premium		\$ 144,416

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: 2022 Special Alcohol Tax Fund Allocations

RECOMMENDATION: Approve City of Mission’s 2022 Special Alcohol Tax Fund allocations as recommended by the Drug and Alcoholism Council.

DETAILS: By statute, the State of Kansas imposes a 10 percent Liquor Drink Tax (aka Alcohol Tax) on the sale of any drink containing alcoholic liquor sold by clubs, caterers, or drinking establishments. Revenue derived from this tax is allocated 30 percent to the State and 70 percent to the city or county where the tax is collected.

The statute further stipulates that for cities of Mission’s size, the portion allocated to the local jurisdiction be proportioned in thirds, with one third to the General Fund, one third to a Special Parks and Recreation Fund, and one third to a Special Alcohol Tax Fund. The Special Alcohol Tax Fund is to support programs “whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers” (KSA 79-41a04 1997).

Alcohol Tax funds allocated to the City of Mission are estimated to be \$270,000 for 2022. A third of these funds - \$90,000 - will be proportioned to the City’s Special Alcohol Tax Fund. Of this amount, \$15,000 will support Mission’s DARE activities, \$80,000 will support the mental health co-responder program, and \$50,000 will be provided to agencies designated by the Drug & Alcoholism Council. This fund has a very healthy fund balance that can support the expenditures being greater than anticipated revenue. The Drug and Alcoholism Council (DAC), a program supported by the United Community Services of Johnson County, offers grants each year to various organizations within the county that provide alcohol and drug abuse prevention and treatment programs. The grants are structured in such a manner that the awarded organizations have access to funds from multiple participating jurisdictions. The governing body of each jurisdiction has the ultimate authority and responsibility to determine which organizations receive funds.

The total amount available to the DAC for allocation in 2022 is \$2,000,797, a 1% reduction from the previous year and a 6% reduction from 2020 due to reduced revenues resulting from the pandemic. The DAC reviewed applications submitted for funding requests, met with applicants, and deliberated to develop the recommendations for this year’s Alcohol Tax Fund allocations, which is the second attachment.

Related Statute/City Ordinance:	K.S.A 79-41a01
Line Item Code/Description:	09-90-201-01
Available Budget:	\$50,000

City of Mission	Item Number:	10.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

The DAC's recommended allocation of the City of Mission's Alcohol Tax funds are shown in the first attachment. Approval of this recommendation is approval of the DAC's recommended allocations.

CFAA CONSIDERATIONS/IMPACTS: The Alcohol Fund supports activities and programs that provide services for people of all ages. These programs range from teaching children the dangers of drugs and alcoholism to helping teens and adults overcome their addictions and be positive contributors to society.

Related Statute/City Ordinance:	K.S.A 79-41a01
Line Item Code/Description:	09-90-201-01
Available Budget:	\$50,000



United Community Services of Johnson County

2022 ALCOHOL TAX FUND RECOMMENDATIONS REPORT DRUG and ALCOHOLISM COUNCIL OF JOHNSON COUNTY

Participating jurisdictions: Johnson County, De Soto, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village, and Shawnee

Board Members

- Roxann Kerr Lindsey, President
- Kate Allen
- Marshaun Butler
- Joe Connor
- Tara Eberline
- Erik Erazo
- Rev. Adam Hamilton
- Robin Rollins Harrold
- Thomas Herzog
- Donna Lauffer
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- Dr. L. Michael McCloud, PhD
- Hon. Donald Roberts
- Kevin Tubbesing
- Vanessa Vaughn West
- Dave White
- Rebecca Yocham

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- Dr. Andy Bowne
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- Terrie Huntington
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- Clint Robinson
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- Brad Stratton
- Charlie Sunderland
- Hon. Stephen Tatum
- David Warm

Executive Director

- Julie K. Brewer

The purpose of the grant review process conducted by the Drug and Alcoholism Council of Johnson County (DAC) is to direct local Alcohol Tax Funds (ATF) to alcohol and drug prevention, education, intervention, detoxification, treatment, and recovery programs that serve Johnson County residents. The entire community benefits when substance abuse is prevented and/or effectively treated. A continuum of services from education through treatment and recovery is vital to reducing drug and alcohol use and addiction; this continuum of services lowers healthcare costs; reduces crime and child abuse and neglect – lowering associated public costs; and increases productivity in employment.

Alcohol Tax Funds are derived from a state excise tax on liquor sold by the drink. Part of the revenue generated is returned to the jurisdiction (city or county) in which it was collected, with the stipulation that a specified portion be used for programs “whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers” (KSA 79-41a04).

The DAC’s grant review process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The recommendations are guided by funding priorities which are reviewed and approved by the DAC annually. Every three to five years the priorities are developed through a formal planning and research process that includes input from key stakeholders, a review of current literature, and analysis of indicator data in Johnson County. In 2018, UCS conducted this formal planning process and the DAC established funding priorities for the 2019-2022 grant cycles. The Funding Priorities Report is available on UCS’ website. It includes a description of the methodology and a summary of the information reviewed. Planning for the 2023-2028 Funding Priorities is underway.

The Board of County Commissioners and city councils have ultimate authority and responsibility for determining which organizations receive funds from their respective jurisdictions based upon the recommendations in this report. Jurisdictions are asked to accept the recommendations by no later than December 30, 2021. Together, Johnson County Government and ten cities committed **\$2,000,797** for 2022 ATF (see page 19); this is a continued reduction from contributions in 2020 and 2021 and is due to reduced tax collections during the pandemic. UCS voluntarily reduced its administrative fee in 2021 in recognition of reduced alcohol by-the-drink tax collections.

For the 2022 ATF grant cycle, twenty-three applications plus UCS administration fee total **\$2,203,714** in funding requests. As a result of reduced tax collections, increased reported need from applicants, and strong applications, this is a highly competitive grant year. After reviewing applications, interviewing agencies, and deliberating, the DAC developed the following funding recommendations, which are organized in two sections: Education, Prevention, and Intervention; and Intervention, Treatment and Recovery.

For additional information, contact Christina Ashie Guidry, UCS Director of Resource Allocation, christinag@ucsjoco.org, 913.438.4764.

2022 Alcohol Tax Fund Requests and Recommendations				
Applicant	2020 Allocation	2021 Allocation	2022 Request	2022 Recommendation
EDUCATION, PREVENTION and INTERVENTION				
Blue Valley USD 229	\$32,146	\$17,951	\$11,186*	\$11,186*
De Soto USD 232	\$16,079	\$15,158	\$20,979*	\$20,979*
Olathe USD 233	\$9,440	\$0	\$0*	\$0*
Shawnee Mission USD 512	\$0	\$0*	no request	no request
Spring Hill USD 230	\$16,060	\$14,141	\$13,560	\$13,560
Artists Helping the Homeless	\$35,000	\$28,281	\$50,000	\$50,000
Boys & Girls Club	\$15,000	\$14,141	\$15,000	\$15,000
JoCo Corrections: Changing Lives	\$7,250	\$0*	\$1,000*	\$1,000*
Cornerstones of Care	\$75,000	\$70,703	\$80,000	\$70,703
First Call	\$68,000	\$64,105	\$75,000	\$68,000
Johnson County Mental Health (JCMH) Prevention Services	\$170,000	\$168,274	\$198,730	\$168,274
SAFEHOME	\$24,424	\$23,071	no request	no request
The Family Conservancy	\$40,000	\$37,709	\$40,000	\$40,000
Subtotal	\$508,399	\$453,534	\$505,455	\$458,702
INTERVENTION, TREATMENT and RECOVERY				
Friends of Recovery	\$60,000	\$56,563	\$100,000	\$60,000
Heartland RADAC	\$159,734	\$150,583	\$159,734	\$159,734
JoCo District Attorney (Drug Court)	\$160,000	\$150,834	\$88,410	\$88,410
JoCo Corrections: Vouchers Program	\$15,725	\$3,350*	\$6,500*	\$6,500*
JCMH Adolescent Center Treatment	\$321,373	\$238,648	\$253,510	\$242,170
JCMH Adult Detoxification Unit	\$289,922	\$273,314	\$289,922	\$276,835
JCMH Dual Diagnosis Outpatient	\$165,000	\$219,523	\$232,776	\$223,044
KidsTLC	\$46,571	\$44,981	\$54,407	\$54,407
KVC Behavioral HealthCare	\$35,000	\$32,995	\$75,000	\$32,995
Lorraine's House	\$25,000	\$18,854	\$25,000	\$0
Mirror Inc.	\$176,000	\$165,918	\$191,000	\$176,000
Preferred Family Healthcare	\$120,000	\$113,126	\$120,000	\$120,000
Subtotal	\$1,574,325	\$1,468,689	\$1,596,259	\$1,440,095
Total Allocations	\$2,082,724	\$1,922,223	\$2,101,714	\$1,898,797
UCS Administration^	\$104,500	\$102,000	\$102,000	\$102,000
Total Funding	\$2,187,224	\$2,024,223	\$2,203,714	\$ 2,000,797

*agency has 2021 ATF funds to carryover to 2022

^UCS voluntarily reduced its administrative fee in 2021 and 2022 in recognition of reduced alcohol by-the-drink tax collections

2022 ALCOHOL TAX FUND GRANT RECOMMENDATIONS

Education, Prevention and Intervention

Alcohol Tax Funds (ATF) support programs offered by public school districts and programs delivered by community-based organizations, the 10th Judicial District Court, and departments of Johnson County government. School-based programs are focused on preventing and reducing substance abuse and addressing risk factors associated with substance abuse, such as disruptive behavior, suicide, and truancy. Community-based programs help lower rates of substance abuse, which result in lower mental and physical healthcare costs and reduced costs for law enforcement and the criminal justice system. Funding recommendations are based upon a review of each proposal (see Appendix A for criteria) and consider program type, outcome data, and accountability. Previously each district requested and received ATF support for AlcoholEdu. As a result of the Mental Health Center's recent agreement with EverFi, the company which owns AlcoholEdu, the cost of AlcoholEdu is reduced and it is now available to schools county-wide (public and private) and all districts have access to EverFi's online Mental Health Basics. In 2022, each school district will continue to report outcomes for AlcoholEdu, including knowledge gained and number of students served.

School District Programs

Each school district offers a unique mix of programs to its students and parents, and each district has a mix of funding to support these programs. Consequently, ATF recommended programs and fund allocation differ for each district. *In 2022, most district funding requests are reduced as compared to prior years due to carryover related to the global pandemic.*

Blue Valley School District

Request: \$11,186*

Recommendation: \$11,186*

The DAC recommends Blue Valley School District be awarded \$11,186, which combined with \$11,820 in carryover, will result in an ATF budget of **\$23,006.*** ATF supports drug & alcohol coordinators who utilize Kansas *Communities That Care* (KCTC or CTC) survey results and school-based data to coordinate age-appropriate activities for all students. ATF funding allows for dedicated people in each building to educate and support drug and alcohol programming, review specific KCTC data, and carry out district plans and ATF goals. These coordinators, comprised of counselors, social workers, and psychologists, ensure fidelity and teacher training on district initiatives such as AlcoholEdu, Project Alert, Reconnecting Youth, CAST, *Signs of Suicide*, and sobriety support groups.

Results Projected: The overall goal is to help students make healthy choices both now and in the future by increasing protective factors while reducing risk factors. ATF funded activities will increase knowledge of substance abuse and available resources for education, prevention, and treatment of substance abuse; and increase students' resistance to social pressures related to substance/alcohol use. Coordinators will use data to plan programming that will reduce favorable attitudes towards substance use/abuse (measured by a continued reduction in use on the KCTC survey next year); add a healthy activities campaign to each middle and high school; and plan community events. There will be an increase in the number of students and families that use substance use evaluation and treatment vouchers following a drug and/or alcohol infraction. During the 2022-23 school year, the district anticipates serving approximately 12,377 individuals through ATF supported programs.

Outcomes Achieved During 2020: In School Year 2020 (SY 2020) 12,626 Johnson County residents were served through the Blue Valley School District. The district reports growth in protective factors – supporting resistance to peer pressure and reduction in substance use - and reduction in vaping (13.7% to 3%) and marijuana use (6.9% to 2.2%) from 2017-20 based on the CTC. The district is working to establish the baseline connection between substance abuse and suicidal ideation through post-surveys of the *Signs of Suicide* program (the district has provided more than 500 suicide interventions in the 2020 and 2021 school years).

De Soto School District

Request: \$20,979*

Recommendation: \$20,979*

The DAC recommends the De Soto School District be awarded \$20,979, which combined with \$300 in carryover, will result in an ATF budget of **\$21,279.*** The ATF funds will support substance abuse prevention instruction, specifically through *Too Good for Drugs*, health classes, AlcoholEdu, and *Vaping: Know the Truth*. In addition, the PRIDE Prevention Club (SADD) will provide activities to engage students in learning strategies to make healthy choices and to avoid drug and alcohol abuse. ATF dollars also support a portion of the salary of social workers who are able to work with students, assess students for risk and provide referrals to outside agencies for additional support. Finally, ATF dollars support alcohol and drug screening for eligible students referred by building administrators.

Results Projected: The goal of this school program is education and prevention of substance use, reduction in drug and alcohol related offenses, and reduced cost of intervention. Students who participate in *Too Good for Drugs* will demonstrate increased knowledge about their ability to make good choices. Students participate in AlcoholEdu will demonstrate relevant knowledge gained. Students who use social work services will demonstrate an improved ability to resist using substances to cope and instead use other coping strategies/skills, thus deterring use of substances. The percentage of students who are categorized as "at-risk" will be equal to or less than those within Johnson County, as a whole. During the 2022-23 school year, the district anticipates serving approximately 11,177 adults and 7,451 students through ATF supported programs.

Outcomes Achieved During 2020: De Soto uses CTC results to identify higher risk areas to address (favorable attitudes toward drugs, peer influence, etc.); the *Too Good for Drugs* curriculum and AlcoholEdu utilize pre and post-assessments with demonstrated knowledge gained among students; approximately 30% of social worker caseloads are related to substance abuse, with 66 students reporting understanding the need to develop coping mechanisms to avoid substance abuse; and CTC results show a trend in reduction of tobacco use from 2018-2021.

Olathe School District

Request: \$0*

Recommendation: \$0*

The Olathe School District is not requesting new funds for ATF programming in 2022; the DAC recommends the district utilize its **\$11,700*** in carryover in 2022. In 2022, the district is particularly focusing on reducing the perception of social benefits associated with substance use. To address that issue, the district will access resources and programming from support agencies, such as First Call, who also receives ATF dollars, to administer student drug assessments and host sobriety groups. Olathe School District also uses several programs to support education, prevention, and intervention, including AlcoholEdu, Project Alert, Second Step, *Guiding Good Choices*, and Botvin Life Skills to

increase protective factors, including student social competency and problem-solving skills to prevent and reduce substance use.

Results Projected: This program provides evidenced-based substance abuse prevention programs to increase student social competency and problem-solving skills. Students will complete pre and post-assessments for programs and demonstrate an increase in knowledge gained and in protective factors. For students for whom substance use is already at issue, the goal of this program is intervention to increase student and family knowledge and utilization of available resources, and to reduce adolescent substance abuse that leads to addiction. During the 2022-23 school year the district anticipates serving 2,389 students through ATF supported programs.

Outcomes Achieved During 2020: In SY 2020, 1,556 Johnson County residents were served. 1,486 students participated in AlcoholEdu and reflected a knowledge increases across all metrics: “Know Your Influence,” “Brain and Body”, and “Smart Decisions”. After completion, 83% of students indicated that AlcoholEdu prepared them to stop a friend from driving drunk. In the Kansas *Communities that Care* survey, Olathe students continue to show a downward trend in alcohol usage in the past 30 days (from 18.53% in 2017 to 12.62% in 2019). Olathe’s 2021 goal is to break the 12% barrier through continued implementation of AlcoholEdu. During SY 2020, 16 alcohol/drug assessments were provided to students; this number is substantially down from SY 2019 due to the virtual learning setting implemented in spring of 2020.

Spring Hill School District

Request: \$13,560

Recommendation: \$13,560

The DAC recommends the Spring Hill School District be awarded **\$13,560** to support *Peer Assistance and Leadership* (PAL), Character Counts, school counselors, and social workers at elementary schools; Project Alert, Students Against Destructive Decisions (SADD), health courses, school counselors, and social workers in middle schools; and AlcoholEdu, SADD, PAL, health courses, school counselors, and social workers in high schools.

Results Projected: The goal of the program is prevention of substance use in students at all levels of education. As a result, students will show knowledge gained in three key areas, including: Know Your Influences, Brain & Body, and Smart Decisions. All PAL student leaders will be trained by a licensed PAL trainer and Johnson County Mental Health Center and will be equipped to support their peers in making positive decisions, increasing protective factors, and reducing risk factors throughout the district. The Kansas *Communities that Care* survey will also be utilized to demonstrate the effectiveness of the district’s education, prevention, and intervention program. The social worker will continue to provide detailed reports based on the support given to students. Along with this support, the social worker will provide data regarding the number of students that were referred to other organizations for additional substance use assessment, intervention, and/or treatment. During the 2022-23 school year the district anticipates serving 2,750 students through ATF supported programs.

Outcomes Achieved During 2020: In SY 2020, 205 students engaged in AlcoholEdu; pre and post-assessments indicated knowledge gains across all metrics. PALs students received training about how to handle tough situations, including peer pressure to use drugs and alcohol, and when it is appropriate to involve adults in dealing with an issue. Despite only being in in-person classes in

January and February of 2020, PALs students worked with over 800 students, including 110 who reported being impacted by substance abuse. The Mental Health Social Worker provided evaluation, referral, and counseling. During SY 2020, the social worker met with 56 students in middle and high school; 38% of middle school students and 65% of high school students reported being impacted by substance abuse (themselves, family members or both). When appropriate, students were referred to outside therapy to further reduce their risk of future substance abuse or to counseling or treatment for substance abuse.

Note: Gardner Edgerton School District has not applied for ATF funding since 2015 but has access to AlcoholEdu through Johnson County Mental Health Prevention Services. Shawnee Mission School District did not request funding for 2022 but will continue utilizing AlcoholEdu.

Community-Based Programs

Artists Helping the Homeless

Request: \$50,000

Recommendation: \$50,000

The DAC recommends Artists Helping the Homeless (AHH) be awarded **\$50,000** for the 2022 ATF grant cycle; this represents an increase from 2021. The increase will be utilized to support the opening of AHH's first residential sober living facility in Johnson County and for continued implementation of *Be The Change*, the organization's primary program which helps individuals experiencing homelessness to access services and address underlying conditions. ATF dollars support services for those who are dealing with substance abuse issues and identify as Johnson County residents or are experiencing homelessness in the county and are referred by Johnson County sources. AHH staff assess individual needs and advocate, transport, and provide follow-up as clients progress from agency to agency. ATF funds support services, direct assistance, and housing to facilitate recovery and reintegration as part of the continuum of treatment. Sober living, in addition to the new facility in Johnson County, is available through Bodhi House and Finnegan Place. Referrals to AHH come from hospitals, homelessness and recovery agencies, law enforcement, Johnson County Mental Health Center, and state mental health and aging services. The program uses "Housing First," Recovery Oriented Systems of Care (ROSC), and Strengths-Based Approach.

Results Projected: The goal of the program is for participants to maintain sobriety, reintegrate and lead fulfilled lives as contributing members of society, and to reduce the need and cost of substance use treatment and homelessness. AHH will assess, place and/or assist 210 unduplicated Johnson County residents and referrals from Johnson County sources who are or at risk of becoming alcoholics or drug abusers. The program will also provide Residential Recovery Services to 40 unduplicated Johnson County residents and referrals from Johnson County sources who are or are at risk of becoming alcoholics or drug abusers. 85% of graduating residents will go to independent living, treatment, transitional facilities or another facility consistent with their recovery plan; at least 80% of residents will maintain sobriety throughout the program; and at least 90% of residents will gain and maintain employment or attain educational goals during the program.

Outcomes Achieved During 2020: AHH's provided housing and other intervention and recovery services to 159 individuals who were dealing with alcohol and substance use, and who were homeless and identified as Johnson County residents or were homeless in Johnson County. AHH clients had an 85.4% retention/successful discharge rate into secure housing for clients who participated in the reintegration program. Fewer individuals were served in 2020 than AHH had anticipated, however

units of service per individual increased, including providing additional overnight shelter for more of these clients. AHH attributes this to challenges related to COVID-19. Referral sources such as detox/treatment facilities, jails, courts, and other agencies temporarily closed due to COVID-19, and upon reopening, restricted capacity; as a result, AHH moved to fill the gap - expanding its housing offerings to ensure that this population was able to secure shelter. As a result of AHH's residential and other support, Johnson County local governments experienced savings as none of AHH Johnson County clients required interaction with law enforcement or emergency hospital visits.

Boys and Girls Club

Request: \$15,000

Recommendation: \$15,000

The DAC recommends the Boys and Girls Club be awarded **\$15,000** for implementation of *SMART Moves (Skill Mastery and Resistance Training)* at the Boys and Girls Club in Olathe; this is a return to 2020 funding level, following a standard 6% decrease across applicants in 2021 due to reduced tax collections. *SMART Moves* teaches Olathe club members (ages 5-18) to recognize and resist media and peer pressure to engage in tobacco/alcohol/drug use, and other risky behavior. *SMART Moves* has shown great impact in increasing awareness of the dangers of drug and alcohol use, increasing knowledge of how to resist peer pressure and media influences, and increasing self-esteem among participants. The Olathe School District provides transportation to the Club from Central Elementary, Oregon Trail Middle School, Washington Elementary, and Olathe North High School.

Results Projected: The objective of *SMART Moves* is to prevent or delay the onset of alcohol and drug use as well as involvement in other risky behaviors by young people. This is accomplished by providing participants with the protective factors necessary to resist the influences toward negative behaviors and the confidence and knowledge to make informed positive decisions. Participants will demonstrate an increased knowledge of the dangers of alcohol and drug use, tools to resist peer pressure and media influence, and how to resolve conflict non-violently. Participants will self-report abstinence from drug and alcohol use. The organization anticipates serving 370 Olathe youth during 2022.

Outcomes Achieved During 2020: During 2020, 310 Johnson County youth were served. As indicated by pre and post-tests, 94.5% of program participants demonstrated an increase in knowledge of the dangers of alcohol and drug use. 93% of participants also increased their knowledge of the use of tools and strategies to resist peer pressure and media influence and 93.8% demonstrated an increase in knowledge about how to resolve conflict non-violently.

Johnson County Department of Corrections: Changing Lives Through Literature

Request: \$1,000*

Recommendation: \$1,000*

The DAC recommends the Department of Corrections receive **\$1,000** to support the *Changing Lives Through Literature* program (CLTL), combined with \$2,000 in carryover from 2021, this program will have a total ATF budget of **\$3,000***. CLTL is an alternative intervention program for moderate risk criminal defendants. Participants are under court-ordered supervision or contracts of diversion, and typically have histories of drug and/or alcohol use. For those on diversion, a criminal conviction can be averted with completion of CLTL and meeting other diversion conditions. The program uses literature, the majority of which addresses themes of substance abuse, to impact the lives of clients through reading, group discussion, and personal insight into thought patterns and behaviors. The program is free of charge and offered outside of traditional work hours. CLTL participants, judges,

and probation officers read literature and participate in facilitated discussion which promote self-reflection and behavioral change.

Results Projected: The goal of the program is to provide participants with a support structure and a pro-social activity with respected individuals in order to promote behavior change, deter offenders from deeper engagement into criminal justice system, and promote a reduction in supervision violations and offender recidivism as well as substance use. Participation supports the prevention of substance abuse as discontinued use of alcohol and drugs often creates idle time and boredom. Corrections anticipates serving 45 Johnson County participants during 2022.

Outcomes Achieved During 2020: During 2020, 7 individuals participated in the program. Typically, this program is held at local libraries and the Therapeutic Community within the Adult Residential Center; however, with the closure of libraries and health risks of program leaders, this program only graduated one class of participants through a combination of in-person and email engagement. 100% of participants had no new known arrests. 85% of participants completed the program and 77% tested negative for alcohol and drug use in 2020.

Cornerstones of Care

Request: \$80,000

Recommendation: \$70,703

The DAC recommends Cornerstones of Care be awarded **\$70,703** for the implementation of Functional Family Therapy (FFT). The FFT program is a short-term (12-14 sessions), evidence-based, in-home, intensive family-based treatment program for youth ages 11-17, who are at risk for substance use, including those with co-occurring mental health issues and those involved in child welfare or juvenile justice systems. Through FFT, families enhance protective factors and interrupt patterns that contribute to substance use. FFT is provided at no-cost to families; families are referred by Johnson County Juvenile Intake and Assessment Center, Court Services, Corrections, and schools.

Results Projected: The goal of this program is to divert youth from residential programs and justice-involvement. Following the completion of *Functional Family Therapy*, youth will demonstrate a decrease in delinquent behavior, including no violations of the law or new charges related to substance use and families will demonstrate improved family relationships. During 2022 Cornerstones anticipates serving 95 Johnson County residents whose problems are related to substance abuse.

Outcomes Achieved During 2020: During 2020, 98 Johnson County residents were served. All youth and parents completing a closing assessment reported improved family relationships as evidenced by reduced levels of conflict and improved communication. In addition, approximately 66% of youth who completed Functional Family Therapy during 2020 had no subsequent charges related to drugs and/or alcohol.

First Call Alcohol/Drug Prevention & Recovery

Request: \$75,000

Recommendation: \$68,000

The DAC recommends First Call be awarded **\$68,000** to provide effective, no-cost prevention programming to children and youth at nine Johnson County school sites, for recovery support (at First Call and virtually), and to support First Call's 24/7 crisis call line; this is a return to 2020 funding level, following a standard 6% decrease across applicants in 2021 due to reduced tax collections. This

programming includes the *How to Cope* program for families with a member who has substance abuse disorder; *Caring for Kids* program (psycho-educational program on effects of substance abuse disorder and establishing protective factors) at local schools; sobriety and life skills groups at local high schools, and virtually; Prevention Education Presentations for school-aged youth and the general community; and recovery support, clinical care, and a 24/7 hotline for the community. Within the Shawnee Mission, Olathe, and Blue Valley School Districts, First Call's programming reduces students' risk factors and increases their protective factors.

Results Projected: The overall goal is that participants lead safe, healthy lives and avoid substance use, misuse, and addiction. Participants in *How to Cope* and *Caring for Kids* will increase knowledge of the harmful effects of alcohol, tobacco, and other drugs. Participants in *Life Skills Training* demonstrate positive change in knowledge and attitudes related to alcohol, tobacco, drugs and protective life skills. Participants in sobriety groups will sustain or increase motivation to change. Participants in Prevention Education will increase knowledge of the harmful effects of alcohol, tobacco and other drugs. Participants in recovery support will sustain or increase motivation to change and will show a decrease in severity of substance use disorder and its impact on other domains. First call anticipates serving 649 Johnson County residents in 2022.

Outcomes Achieved During 2020: During 2020, 361 Johnson County residents were served by the program. Throughout 2020, 98% of *How to Cope* participants reported an increase in knowledge regarding the harmful effects of alcohol, tobacco, and other drugs; 94% of *Caring for Kids* participants reported an increase in knowledge regarding the harmful effects of alcohol, tobacco, and other drugs. There were 7 sites for *LifeSkills Training* in Johnson County in 2020. Of those seven groups, three of them completed the program, others did not due to Covid-19. Students completing the program demonstrated an average increase of 18% in knowledge gained about the harmful effects of substance use and positive attitudes related to protective life skills.

Johnson County Mental Health Center, Prevention Services

Request: \$198,730

Recommendation: \$168,274

The DAC recommends Prevention Services be awarded \$168,274 in ATF funds to support the cost of AlcoholEdu (\$50,000) for all school districts and schools, public and private, in Johnson County as well as staff (1.5 FTE) who provide prevention services in three areas: youth mobilization, education and training, and community engagement; and, other expenses associated with the Youth Leadership Summit and the *End the Trend* Campaign (use of social media for public service announcements about vaping). During the annual Youth Leadership Summit middle school and high school student leaders are trained on effective prevention strategies and action planning for implementation of those strategies. Action plans created at the Summit focus on adolescent problem behaviors prioritized by each school. Prevention Services consults with school districts, facilitates the Prevention Roundtable, and provides training and technical assistance to cohorts of Strengthening Families, an evidence-based prevention program for high-risk families.

Results Projected: The goal is to reduce substance use among youth and, over time, among adults by addressing the factors in a community that increase the risk of substance use and by promoting the factors that minimize the risk of substance use. Youth Leadership Summit (YLS) participants and Teen Task Force (TTF) members will indicate an increased level of knowledge and confidence in their abilities and will indicate an increased level of knowledge and confidence in their action planning abilities as measured by self-report evaluation. Strengthening Families Program (SFP) parent

participants will indicate an increased level of knowledge and confidence. Students using AlcoholEdu will see an average increase in knowledge across the five learning modules. Prevention Services will host at least 6 roundtable discussions sharing best practices in prevention, and participants will indicate an increased level of knowledge. Prevention Services will provide technical assistance to school districts to increase the participation rate of students taking the KCTC Student Survey. The *End the Trend Campaign* will receive wide reception on social media. During 2022, Prevention Services anticipates serving 5,500 Johnson County residents.

Outcomes Achieved During 2020: During 2020, 8,447 Johnson County residents were served by the program. Students participating in AlcoholEdu across all Johnson County schools demonstrated an average increase of 14.6% across all learning modules. Participants in the virtual *Youth Leadership Summit* utilized mini-grants to implement substance use prevention projects: Blue Valley, Chisholm Trail, Harmony, Olathe Northwest, and Westridge Middle designed postcards focused on self-care and substance abuse prevention and sent them to all students; Olathe Teen Council organized a community-wide virtual 5k to raise awareness of substance abuse and its connection to mental health; Olathe East's "Be the Voice" student organization designed and is painting a mural. The *End the Trend* campaign received 369,805 impressions across social media platforms (Facebook, Instagram, and Snapchat); more than triple the influence of 2019.

The Family Conservancy

Request: \$40,000

Recommendation: \$40,000

The DAC recommends the Family Conservancy be awarded \$40,000; this is a return to 2020 funding level, following a standard 6% decrease across applicants in 2021 due to reduced tax collections. ATF supports two programs: Substance Use Screening and Education and implementation of *Conscious Discipline* programming in four Johnson County childcare centers that serve families living at or below the federal poverty level. Those who screen positive for substance misuse receive substance use education as needed and are referred to community resources, when appropriate. *Conscious Discipline* is an evidence-based self-regulation program that integrates social-emotional learning and discipline, fostering healthy development to reduce future risk of substance abuse.

Results Projected: Clients in counseling programs will successfully complete their treatment plan and report increased knowledge of harmful effects of misuse of substances. Clients who report they have a family member with substance misuse problems will report improved knowledge or experience attitude changes to support family health. Parents and teachers completing the *Conscious Discipline* program will maintain or show an increase in four of the seven "Powers/ Beliefs" which *Conscious Discipline* utilizes to help teach self-regulation (override impulsive and reactive tendencies), and which results in positive child guidance and responsiveness to needs of child. Further, parents and teachers will use multiple applications of the strategies they learn. During 2022, TFC anticipates serving 417 Johnson County residents.

Outcomes Achieved During 2020: In 2020, Family Conservancy served 221 adults and 257 children in Johnson County. Of clients who reported they had a family member with substance misuse problems, 99% increased knowledge or experienced an attitude change that supported the family's health. Of clients who had a substance misuse concern, 95% increased their knowledge of the harmful effects of alcohol, tobacco, and other drugs, and 90% of closed cases successfully completed their full counseling treatment plan. 82% of individuals participating in *Conscious Discipline* programming showed improvement in at least four of the seven Powers/Beliefs (perception,

attention, unity, free will, acceptance, love, and intention), and 95% indicated that they successfully applied strategies learned through *Conscious Discipline*.

Treatment and Recovery

Alcohol Tax Funds are recommended to support eleven treatment and recovery programs delivered by community-based organizations and Johnson County Mental Health Center. In general, treatment programs help to reduce substance abuse, lead to positive individual change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs. Funding recommendations are based upon a review of each proposal and consider type of programming, outcome data, and accountability (see Appendix A for more information).

Friends of Recovery Association

Request: \$100,000

Recommendation: \$60,000

The DAC recommends that Friends of Recovery (FORA) be awarded **\$60,000**; this is a return to 2020 funding level, following a standard 6% decrease across applicants in 2021 due to reduced tax collections. FORA provides support to participants at the Oxford Houses of Johnson County to live productive, meaningful lives in recovery from substance abuse. Oxford Houses are self-sustaining, democratically run, transitional homes. Participants include adults who are experiencing homelessness or in danger of homelessness, individuals with mental health challenges, and adults recently released from incarceration. FORA's program includes case management, which is intended to reduce effects of trauma, including PTSD, among substance using individuals. FORA utilizes a peer mentorship model (alumni or current residents) to help newly-recovering residents. In 2021, FORA provided extensive support for residents seeking rental assistance through the Kansas Emergency Rental Assistance program, providing more units of service in the first half of 2021 than in all of 2020 and hiring 3 new outreach coordinators. FORA seeks to expand current case management, relapse prevention and support, and begin offering a full range of recovery services for clients in one location at a Recovery Café.

Results Projected: The goal of the program is to increase awareness, positive activities, self-efficacy, and skill building with a Recovery Center model to allow those in recovery to remain alcohol and drug free. Participants will see improved recovery outcomes in the form of reduced relapse rate (6% in 2021 as compared to Oxford House national average of 21.9% and general population relapse rate of 40-60% as documented by the 2018 study by the National Institute on Drug Abuse), 90% will obtain and maintain employment, and clients will have successful reintegration through case management and additional training. FORA will open 2 new houses in Johnson County in 2022. During 2022, FORA anticipates serving approximately 978 Johnson County participants.

Outcomes Achieved During 2020: There are 40 Oxford Houses in Johnson County, with two new houses opened in 2020. 248 Oxford House members graduated in good standing in 2020. 62.6% successfully transitioned out of Oxford House in 2020 into permanent housing, having maintained sobriety, obtained employment and received case management services. 95% of residents obtained and maintained employment. The number of Kansas Oxford Houses with Narcan training and doses is increasing; 80% of the Johnson County Oxford houses have at least one dose of Narcan. FORA served 882 residents in 2020.

Heartland Regional Alcohol & Drug Assessment Center (RADAC)

Request: \$159,734

Recommendation: \$159,734

The DAC recommends that Heartland RADAC be awarded **\$159,734**; this is a return to 2020 funding level, following a standard 6% decrease across applicants in 2021 due to reduced tax collections. ATF will support personnel for intensive case management (ICM) for Johnson County individuals with co-occurring substance abuse and mental health issues, who are experiencing homelessness or housing insecurity, and who need treatment or treatment-related services. The program also purchases services and items needed to secure safe housing, access treatment, promote recovery and eliminate barriers to success. When clinically appropriate, HRADAC assists clients in accessing care such as Medication Assisted Treatment. Recovery coaching, provided with case management and care coordination services, complements the clinical work of the ICM and helps clients engage in the recovery community.

Results Projected: The goal of HRADAC's program is to intervene with individuals who have substance use disorder (SUD) and other co-occurring issues, stabilize them in their home community, and engage in recovery activities. When clients begin ICM typically they are experiencing homelessness and un-treated mental health and substance abuse issues. Therefore, results focus on accessing services and maintaining conditions in three areas of improvement – housing, substance use, and mental health services. Housing includes accessing safe transitional or permanent housing. Substance use includes engaging in treatment, recovery groups, and Recovery Oriented Systems of Care with a Recovery Coach. Mental health services focus is on accessing services. During 2022, Heartland RADAC anticipates serving 100 Johnson County clients.

Outcomes Achieved During 2020: RADAC served 127 Johnson County residents in 2020. During 2020, 85% of ICM clients obtained transitional or permanent housing while receiving services with: 15% obtaining transitional, and 70% obtaining permanent housing. 93% of ICM clients actively worked on recovery issues. 66% accessed substance abuse treatment, 73% attended 12 step and other recovery groups, and 68% engaged in Recovery-Oriented Systems of Care activities with a Recovery Coach. Additionally, 15 individuals utilized Medication Assisted Treatment (MAT). HRADAC clients also increased engagement with recommended mental health services with an additional 30% engaged in mental health services, for a total of 80% of clients accessing mental health services since they began ICM.

Johnson County District Attorney's Office: Juvenile Drug Court Diversion and Minor-In-Possession Programs

Request: \$88,410

Recommendation: \$88,410

The DAC recommends Johnson County District Attorney's Office be awarded **\$88,410** to support Juvenile Drug Court Diversion, the Minor-In-Possession (MIP) program, and other clients who have drug/alcohol contract cases. The DAC commends Johnson County District Attorney's Office for obtaining diversified funding, resulting in a reduced request from ATF in 2022 and beyond. Participation in Juvenile Drug Court is offered to first-time offenders who present with substantial drug and/or alcohol issues. The eight-month program offers a higher level of supervision and closely monitors compliance with treatment. The MIP program is a non-court resolution of a police report indicating a juvenile has been in possession of alcohol. Drug/Alcohol contract cases are Intermediate

Intervention for juveniles who have a drug/alcohol problem that require education, intervention, and/or completing random drug screens in addition to standard contacts. Supervision of diversion cases interrupts alcohol and/or drug use that has become problematic personally and legally for participants. The programs support clients in completing treatment and changing behavior.

Results Projected: The overarching programmatic goal is to help youth who are prone to relapse to develop tools to overcome substance abuse dependence. Youth will remain drug free and crime free. Youth will increase involvement in pro-social activities and improve their school grades. Parents will rate their child's compliance as increasing. During 2022, the DA's Office anticipates serving 603 Johnson County youth.

Outcomes Achieved During 2020: The program served 641 Johnson County residents in 2020. Participants experienced increase in motivation to remain drug free as measured by improvement in school grades, involvement in pro-social activities, drug screens and parental feedback. The average semester GPA of a Drug Court client at the start of Drug Court was 2.8, and at the completion of Drug Court, the average semester GPA was 3.2. Surveys completed by parents indicated youths' increase in motivation in treatment and following court orders as well as improved family relationships from an average of 3.6 on a 5-point scale at commencement of the program to a 4.6 upon program completion. 83% of youths' drug screens were negative for all substances throughout supervision.

Johnson County Department of Corrections: Voucher Assistance

Request: \$6,500

Recommendation: \$6,500*

The DAC recommends the Department of Corrections be awarded **\$6,500**, which in addition to the \$4,250 in ATF funds carried over from 2021, provides a total of **\$10,750*** for the Voucher Assistance program. This program supports substance use disorder evaluations and treatment for adult offenders who face financial barriers to obtaining those services. Voucher assistance will be provided to adults in the Adult Residential Center (ARC) and adults who are under Intensive Supervised Probation, House Arrest, or Bond Supervision. Evaluation and treatment services will be provided by providers who maintain licensure pursuant to the Kansas Behavioral Sciences Regulatory Board and who have demonstrated success in keeping clients engaged.

Results Projected: The goal of the Voucher Assistance Program is for clients to reduce or eliminate the financial barriers associated with accessing alcohol/drug evaluations and treatment in a timely manner. Adults who receive vouchers will obtain an evaluation within 30 days, initiate recommended treatment within 60 days post evaluation, and successfully complete treatment. Corrections anticipates serving 29 Johnson County clients during 2022.

Outcomes Achieved During 2020: During 2020, 35 individuals were served through 66 vouchers for services. 51 individuals were approved for vouchers (some individuals received assistance more than one time); 41% were for evaluation and 59% were for treatment. 86% of offenders referred for an evaluation completed their evaluation within 30 days of the voucher request being approved. Of referrals for evaluation, 10 individuals were recommended for substance abuse treatment. 70% of those individuals commenced treatment within 60 days of the completion substance abuse evaluation.

Johnson County Mental Health Center, Adolescent Center for Treatment (ACT)

Request: \$253,510

Recommendation: \$242,170

The DAC recommends **\$242,170** in funding for Johnson County Mental Health Center's Adolescent Center for Treatment (ACT); this is a slight increase in funding compared to 2021, however the DAC did not have enough funds to return ACT to its 2020 level of funding. ACT is a 10 bed, residential substance use disorder treatment facility for adolescents ages 12-18. Each client receives a thorough bio-psychosocial assessment and receives an individualized treatment plan. Youth participate in over 50 hours of structured activities per week including at least 10 hours of clinical therapy hours. Activities include addiction and health education, anger management, 12-step meetings and recreation. Youth also attend academic programming during the school year. ACT is the only residential, community-based treatment center for adolescents in Kansas; the cost of residential treatment is significantly less than hospital, psychiatric residential, or detention facility stays.

Results Projected: The goal of ACT is that youth with substance use disorder begin their recovery in a safe and sober environment. Clients remain in treatment for a minimum therapeutic length of stay and receive a "successful completion" upon discharge. On discharge surveys, clients will rate the program favorably in areas of program quality and staff performance. During 2022, ACT anticipates serving 43 Johnson County youth in the residential program.

Outcomes Achieved During 2020: During 2020, 34 Johnson County youth were served. 86% of first time admits remained in treatment for at least 21 days. 96% of re-admits remained in treatment for at least 14 days. 88% of all clients at ACT remained in treatment for the prescribed length of time for 2020 with 90% of clients receiving a successful discharge. The average client satisfactions score was 4.3 out of 5.

Johnson County Mental Health Center, Adult Detoxification Unit (ADU)

Request: \$289,922

Recommendation: \$276,835

The DAC recommends the Johnson County Mental Health Center Adult Detoxification Unit (ADU) be awarded **\$276,835**; this is a slight increase in funding compared to 2021, however the DAC did not have enough funds to return ADU to its 2020 level of funding. ADU is an 8-10 bed unit which is staffed 24 hours a day, 7 days a week to admit and monitor individuals who may present a danger to the public or themselves due to alcohol/drug intoxication or withdrawal. ADU serves as a safety net service for individuals with serious substance use disorders. Licensed addiction counselors conduct a thorough substance use disorder assessment for each client and identify a recovery plan. The average length of stay is about 3 days, although some clients stay up to 5 days depending on the extent of their withdrawal or other factors. ADU is the only social detoxification program that admits uninsured individuals in the metropolitan area. ADU operates within the division of Addiction and Residential Services at JCMHC and shares a residential unit with the Crisis Recovery Center (CRC) and behavioral health staff are trained in the services provided for ADU and CRC's clients. As such, clients benefit from the expertise of both programs when applicable. Clients may transition from ADU to CRC when more mental health supports are needed or when waiting on a bed elsewhere. Johnson County residents of ADU are offered an intake at the office adjacent to the program when mental health needs are indicated.

Results Projected: The goal of ADU is to provide medical detoxification that protects individuals from the dangers associated with withdrawal and protects the public from the risks associated with having intoxicated individuals on their streets. ADU clients will remain in social detox until ADU staff

recommend discharge, have a written discharge plan documenting a referral for ongoing primary health, and rate ADU well for program quality and staff performance. ADU anticipates serving 256 Johnson County residents in 2022.

Outcomes Achieved During 2020: During 2020, 236 Johnson County adults were served. 83% of clients remained in the facility until staff recommended discharge. 96% of clients leaving ADU left with a recovery plan upon discharge; those leaving without a recovery plan were given standard discharge instructions. 83% of discharged clients completed a satisfaction survey. On satisfaction surveys of six areas of program quality and staff performance, the average rating was 4.66 on a 5-point scale.

Johnson County Mental Health Center, Dual Diagnosis Outpatient Program (DDOP)

Request: \$232,776

Recommendation: \$223,044

The DAC recommends **\$223,044** in funding to support the Dual Diagnosis Outpatient Program (DDOP) at Johnson County Mental Health Center; this is a slight increase in funding compared to 2021, however the DAC did not have enough funds to return DDOP to its 2020 level of funding. Funds will support salaries and medication assisted treatment. DDOP uses a sliding fee scale to assure access of all clients. DDOP clients receive 1 to 8 hours of weekly counseling group or individual sessions per week. All counseling focuses on providing clients with basic alcohol/drug education, recovery, and relapse prevention skills, as well as helping clients understand and manage mental health issues that complicate recovery. DDOP provides Medication Assisted Treatment (MAT) on a limited basis for clients who are appropriate for this treatment but have no means to pay for it.

Results Projected: The goal of the program is to provide integrated outpatient services for individuals aged 12 and over with mental health and substance use disorders. For adults, discharged clients will complete at least 8 hours of integrated treatment, will remain alcohol/drug-free and not commit any criminal activity while participating in the program. For adolescents, patients will complete at least 6 treatment sessions and will remain alcohol/drug free. The DDOP anticipates serving 686 Johnson County residents in 2022.

Outcomes Achieved During 2020: During 2020, 488 Johnson County adults and youth were served. 82% of adults and 21% of youth* remained alcohol/drug free while participating in the program (*future data collection will indicate whether this increases over time; this new outpatient program only had data for the last quarter of 2020). 60% of all adult clients received at least 8 hours of treatment and 81% of youth received at least 6 hours of treatment. 97.2% of clients did not incur new legal charges in 2020.

KidsTLC

Request: \$54,407

Recommendation: \$54,507

The DAC recommends KidsTLC be awarded **\$54,507** to provide substance abuse screening/assessment, evaluation, prevention/education, and clinical treatment for youth ages 13-18 who reside within the agency's Psychiatric Residential Treatment Facility (PRTF). This is an increase over the 2021 funding recommendation and will support KidsTLC in fully staffing up to reach full capacity in treatment. Clinical treatment is provided to youth with a dual diagnosis of substance use disorder and mental health issues. The evidence-based *Seeking Safety* curriculum is utilized in treatment as well as Eye Motion Desensitization Reprocessing (EMDR). Relapse prevention and

prevention education, utilizing the *Positive Action* evidence-based program, are provided to all youth in the PRTF.

Results Projected: KidsTLC provides substance use prevention groups and intervention/therapy services for youth. Youth will remain abstinent from drugs and alcohol during their treatment, as evidenced by urinalysis testing, and will feel they have sufficient access to substance abuse services and supports. At discharge, youth will report overall improvement due to services received, and an increase in hopefulness and ability function. The program will help sustain the youth's recovery and provide linkages to community support. During 2022, KidsTLC anticipates serving 38 Johnson County youth.

Outcomes Achieved During 2020: During 2020, 23 Johnson County youth were served. Youth remained abstinent from drugs and alcohol with 91% of youth presenting a clean urinalysis after returning from a pass outside with parent/guardian. At discharge, 100% of youth reported they were somewhat or very confident that things will improve in their life regarding substance abuse and 100% demonstrated an improved outlook at time of discharge (measured by self-assessment of change between admission and discharge). 67% of youth participating in relapse prevention and *Seeking Safety* programming reported maintenance or a decrease in problem severity between admission and discharge.

KVC Behavioral HealthCare

Request: \$75,000

Recommendation: \$32,995

The DAC recommends KVC Behavioral HealthCare be awarded \$32,995 for Family Substance Abuse Recovery Services, which assists caregivers and youth in identifying lasting supports and walks alongside families toward recovery from substance abuse. This program serves Johnson County families who have had children removed to foster care and have been assessed by a KVC case manager or therapist; or, are referred by Kansas Department of Children and Families (DCF). If there is an indication of substance abuse, a Licensed Addiction Counselor (LAC) administers the KS Client Placement Criteria (KCPC) and works with case workers, therapists, and behavioral/mental healthcare and medical staff to find the best level of care and wraparound services. Outpatient in-home therapy, the focus of this program, is determined using the KCPC and the family's willingness to participate. Other options include referral to local support groups, and in-patient therapy.

Results Projected: The goal of the program is to reduce trauma and adverse childhood experiences (ACEs) and improve family outcomes related to substance use recovery, which results in significant cost savings in the medical system, law enforcement, and emergency response system. Outpatient services will be provided in-home and families will report an increase in striving to improve family stability through lifestyle changes. Clients will maintain sobriety, housing stability, avoid criminal activities, and connect to resources and services that can help them maintain their program goals. KVC anticipates serving 70 Johnson County residents in 2022.

Outcomes Achieved During 2020: During 2020, 86 adults and 32 youth were served. All families coming into the program were contacted and 96% had completed an intake/assessment within 10 days of the referral. Upon completion of treatment, clients completed the AWARE relapse assessment and all clients fell in the 11% average range, indicating a low probability of relapse, which reflects increased family and support connections and overall higher levels of stability and quality of

life. This likelihood of relapse is markedly lower than the national average, which according to National Institute on Drug Abuse (2018), is approximately 40-60%.

Lorraine's House

Request: \$25,000

Recommendation: \$0

Due to reduced alcohol tax collections for the second year in a row and demonstrated increased need among other applicants, the DAC recommends that Lorraine's House not be awarded funding for 2022. The ATF grant process is a competitive process. After review of applications and completion of agency interviews, this applicant ranked and scored lowest among all applicants. Lorraine's House is welcome to apply for funding in future years.

Outcomes Achieved During 2020: During 2020, 57 Johnson County adults were served, a reduction from anticipated as Lorraine's House had to close one of its residences in 2020. 52% of residents (goal was 80%) completed the program as reflected by their sobriety and maintaining employment.

Mirror, Inc.

Request: \$191,000

Recommendation: \$176,000

The DAC recommends Mirror be awarded **\$176,000** to provide residential substance abuse treatment services to individuals in Johnson County who have been diagnosed with co-occurring mental health and substance use disorders. This is an increase that reflects the return to 2020 level of ATF funding following a standard decrease of 6% across ATF grantees in 2021 due to reduced tax collections. Clients served fall below 200% of the federal poverty level and cannot access services in a timely manner due to limited state Block Grant funding. ATF support reduces the wait-time for Johnson County residents with co-occurring disorders in the most critical need, with an average wait time of 17 days for Johnson County residents as compared to 46 days for a Block Grant funded client. Clients of Mirror receive substance abuse and mental health services through individualized treatment plans and coordinated services. Support is also provided to address barriers to recovery such as legal, housing, health and employment issues.

Results Projected: The goal of the program is to provide quicker access to treatment services for Johnson County residents who have no resources to pay for treatment and to aid them in accessing support services after treatment completion and discharge. Results include reduced time on Mirror's wait list for Johnson County clients as compared to the average wait time for Block Grant funded clients; retention in the treatment program; and compliance with all discharge recommendations, including continued mental health care, substance abuse aftercare, stable housing and use of support systems. During 2022, Mirror anticipates serving 147 Johnson County residents with its ATF grant.

Outcomes Achieved During 2020: During 2020, 179 Johnson County adults were served. 61% of clients who completed the program followed through with recommendations for continued mental health care, substance abuse aftercare, stable housing and use of support systems. 60% of co-occurring disorder clients were successfully discharged; this is a decrease from other years and is attributed to some clients leaving due to concerns about their health and the continuing global pandemic. Clients reported improved an average 67% increase in confidence level in handling high risk situations that could lead to substance abuse. Johnson County clients spent an average of 12.8 days on the wait list as compared to an average wait time of 30 days for clients funded by the state block grant or other funding streams. Mirror's experience is that the longer a person waits for

treatment, the more likely they are to not follow through with the treatment when an opening is available.

Preferred Family Healthcare, Inc.

Request: \$120,000

Recommendation: \$120,000

The DAC recommends Preferred Family Healthcare (PFH) be awarded **\$120,000** to support the delivery of outpatient substance abuse treatment and treatment for co-occurring disorders of substance abuse and mental health disorders to Johnson County residents with limited or no resources to pay for services (e.g. uninsured, indigent and low-income residents). This is an increase that reflects the return to 2020 level of ATF funding following a standard decrease of 6% across ATF grantees in 2021 due to reduced tax collections. PFH operates multiple facilities in multiple states, including a Level I Outpatient Treatment and Level II Intensive Outpatient Treatment center in Olathe providing assessment, individual and group counseling, and drug testing. Treatment interventions include Cognitive Behavioral Therapy, Trauma-Focused Cognitive Behavioral Therapy, Motivational Interviewing, and Motivational Enhancement Therapy. PFH offers services on an income-based sliding fee scale.

Results Projected: The goal of the programs is to support Johnson County residents struggling with substance use disorder as they move toward recovery. Clients will demonstrate abstinence from substance use, obtain and/or maintain employment or educational activities, have no new arrests, successfully complete treatment, and obtain or maintain housing. Preferred Family Healthcare anticipates serving 362 individuals, including 292 Johnson County residents in 2022.

Outcomes Achieved During 2020: During 2020, 395 individuals from Johnson County were served. Nearly 88% of clients who were randomly tested while in treatment, tested negative for substance use. 91% of clients who were not disabled or retired reported they were employed or involved in educational activities and 76% of clients successfully completed treatment.

**2022 Alcohol Tax Fund
Participating Jurisdictions**

Jurisdiction	Amount
Johnson County Government	\$140,559
City of De Soto	\$12,000
City of Gardner	\$19,200
City of Leawood	\$160,685
City of Lenexa	\$135,000
City of Merriam	\$20,000
City of Mission	\$50,000
City of Olathe	\$215,000
City of Overland Park	\$1,118,000
City of Prairie Village	\$44,000
City of Shawnee	\$86,353
Total Alcohol Tax Fund	\$2,000,797

The recommended grant awards represent the maximum ATF award for the calendar year and are based upon an estimate from local jurisdictions of local liquor tax revenue. Awards will only be made if jurisdictions receive adequate revenue. Actual dollars disbursed are dependent upon local liquor tax revenue received by participating jurisdictions. Neither United Community Services (UCS) nor the Drug and Alcoholism Council is responsible for a reduction in ATF fund awards payable by participating jurisdictions.

APPENDIX A
DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY FUNDING PRIORITIES

2022 ATF Funding Priorities

By legislative mandate (KSA §79-41a04-as amended), ATF dollars must be used to fund services or programs whose principal purpose is substance abuse education, prevention, detoxification, intervention and/or treatment. For the purpose of this application, education, prevention, intervention, and treatment programs are generally defined as:

- Education and Prevention programs are designed to promote awareness and self-efficacy, and provide information, activities, and skill building to prevent problems with, or addiction to, alcohol and/or drugs.
- Intervention programs are designed to interrupt alcohol and/or drug use, and may include activities applied during early stages of drug use which encompass preventing the transition from drug use to abuse.
- Substance Use Disorder Treatment programs are licensed by the State of Kansas to provide substance use disorder treatment services, and are designed to assist clients with stopping use of alcohol and drugs and avoiding relapse.

*Overall priority is given to:

1. Programs that target populations who are at-risk for substance use or abuse such as individuals who have mental health issues, individuals who are homeless and/or have other co-occurring issues, and individuals involved in the child welfare or criminal justice system.
2. Programs that address barriers to service including hours of operation, transportation, lack of care for children of parents seeking services, and physical location.
3. If fees are charged for services, there are accommodations for those clients with no ability, or limited ability, to pay the fees (such as a sliding fee scale based upon income).
4. Programs that demonstrate competency in addressing language and cultural barriers and provide bi-lingual services in high demand languages, such as Spanish.
5. Programs that provide services to meet a current community need (defined through indicator data or *Kansas Communities That Care* survey trends). —
6. Programs that demonstrate an awareness of the role of trauma in prevention and treatment of substance use and utilize a trauma informed care approach in delivery of services.
7. Programs that are evidence-based or reflect a best or promising practice and include measures to ensure fidelity.
8. Programs that utilize measurable outcome data to improve service delivery.
9. Strategies and services that involve families, parents, guardians, and/or other support systems.
10. Programs that demonstrate through service delivery, competency in addressing the interrelationship between substance use/abuse and other risk factors as defined above in priority number one.

*Priorities for Education and Prevention Programs include:

1. Strategies that seek to delay onset of first use of substances.
2. Programs that target use of gateway drugs and address new trends in drug use across all age groups.
3. Programs that utilize *Risk and Protective Factors* strategies.

*Priorities for Treatment and Intervention Programs include:

1. Programs that provide effective treatment strategies for individuals with co-occurring substance use and mental health disorders.
2. Programs that serve targeted populations with early intervention strategies.
3. Programs that collaborate with other organizations and sectors and provide linkage to community supports.
4. Programs that incorporate Recovery Oriented Systems of Care (ROSC) which sustain and support recovery, including but not limited to providing peer support, housing, case management, and/or to linkages to recovery communities and activities.

** Numbering of priorities does not indicate one is more important than another.*

*Approved by Drug and Alcoholism Council
November 18, 2020*

APPENDIX B

2021 DRUG and ALCOHOLISM COUNCIL of JOHNSON COUNTY 2022 ATF GRANT REVIEW COMMITTEE MEMBERS

Jen Jordan-Spence, Chair, City of Gardner, City of Gardner Representative
Jaime Murphy, Vice Chair, Overland Park Municipal Court, City of Overland Park Representative, Grant Review Committee Chair
Afam Akamelu, Secretary, Community Volunteer
Judge Jenifer Ashford, 10th Judicial District Court ♦
Jason Bohn, Renew Counseling Center
Chan Brown, Kansas Health Foundation
Chief David Brown, TeamMobile, City of Lenexa Representative
Michelle Decker, City of Olathe Prosecutor's Office, City of Olathe Representative, Grant Review Committee Chair
Allison Dickinson, Johnson County Government ♦
Captain Troy Duvanel, Merriam Police Department, City of Merriam Representative
Stefanie Kelley, Shawnee Mission School District, City of Leawood Representative ♦
Martha LaPietra, M.D., IPC-The Hospitalist Company
Sharon Morris, Olathe School District ♦
Bureau Chief Daryl Reece, Johnson County Sheriff's Office
Piper Reimer, City of Prairie Village Councilperson, City of Prairie Village Representative
Liana Riesinger, Francis Family Foundation, City of Mission Representative
Mickey Sandifer, City of Shawnee Representative
Pastor Kevin Schutte, Pathway Community Church, Johnson County Board of County Commissioners Representative
Catherine Triplett, Triplett Law Firm
Charlene Whitney, Community Volunteer

♦ Denotes Non-Voting Member

Staff Support: Christina Ashie Guidry, UCS Director of Resource Allocation

City of Mission	Item Number:	11.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Ordinance Adopting the 2022 Budget for the City of Mission, Kansas

RECOMMENDATION: Approve an ordinance adopting the 2022 Budget of the City of Mission, Kansas.

DETAILS: As part of the annual budget process, the City takes formal action to adopt the 2022 Budget by ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City's annual budget and to provide expenditure authority.

There are no changes to the budget that was approved by the City Council in September 2021.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION
ORDINANCE NO. _____**

**AN ORDINANCE ADOPTING THE 2022 BUDGET OF THE CITY OF MISSION,
KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Adoption of Budget. The City of Mission hereby adopts its budget for the year 2022. Copies of said budget shall be open for inspection in the office of the City Clerk during business hours. Upon filing of the budget with the County Clerk of Johnson County, Kansas, said budget shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose, pursuant to K.S.A. 79-2934.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 15th day of December 2021.

APPROVED BY THE MAYOR this 15th day of December 2021.

Solana P. Flora, Mayor

(SEAL)

Attest:

Audrey M. McClanahan, City Clerk

City of Mission	Item Number:	12.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

RE: Authorization to Spend According to the Approved 2022 Annual Budget.

RECOMMENDATION: Approve an ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2022 Annual Budget.

DETAILS: As part of the annual budget process, the City Council takes formal action in December to authorize and direct the City Administrator to spend according to the adopted budget and in compliance with City Council Policy 102.

The attached ordinance will authorize the City Administrator to spend in accordance with the approved annual budget.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION
ORDINANCE NO. _____**

**AN ORDINANCE AUTHORIZING EXPENDITURES BY THE CITY ADMINISTRATOR
FROM THE 2022 BUDGET.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION,
KANSAS:

SECTION 1. Grant of Authority. The City Administrator is hereby authorized to make expenditures from the 2022 City Budget as adopted by the Resolution Number 1090 and Resolution Number 1091 pursuant to and in accordance with City Council Policy Number 102, as from time to time amended. Copies of said Policy shall be open for inspection in the office of the City Clerk during business hours.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 15th day of December 2021.

APPROVED BY THE MAYOR this 15th day of December 2021.

Solana P. Flora, Mayor

(SEAL)

Attest:

Audrey M. McClanahan, City Clerk

City of Mission	Item Number:	13.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Audrey McClanahan

Action items require a vote to recommend the item to full City Council for further action.

RE: 2022 Cereal Malt Beverage Licenses

RECOMMENDATION: Approve the 2022 Cereal Malt Beverage (CMB) License Renewals.

DETAILS: City ordinance and Kansas statutes require that any person wishing to sell any cereal malt beverage/enhanced cereal malt beverage (CMB) at retail must obtain an annual license for each place of business. Renewal licenses for 2022 include the following Mission businesses:

- CVS, 6300 Johnson Drive
- Hy-Vee Grocery, 6655 Martway Street
- Hy-Vee Convenience Store, 6645 Martway Street
- QuikTrip, 4700 Lamar Avenue
- Target, 6100 Broadmoor Street
- Paulie D's Pizza, 5735 Johnson Drive
- The Corner Lalo's Kitchen, 5038 Lamar Avenue

Each applicant will be required to submit their application and fee before issuance of license. Licenses will be issued pending satisfactory background checks for each applicant/store manager and approval by Interim Police Chief Lane.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	K.S.A. 41-2702; City of Mission Code Section 600.160 & 600.170
Line Item Code/Description:	n/a
Available Budget:	n/a

City of Mission	Item Number:	14.
ACTION ITEM SUMMARY	Date:	December 8, 2021
Administration	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

RE: Resolution Authorizing Changes to Bank Signatories for a City of Mission Checking Account

RECOMMENDATION: Approve the Resolution Authorizing Certain Signatory for a City of Mission Checking Account.

DETAILS: The City of Mission conducts its banking activity with Security Bank of Kansas City (formerly d/b/a Mission Bank).

The City has a primary checking account with the bank from which all payments are drawn. The Mayor and the Deputy City Administrator/Finance Director are the two signatory names on the account.

With the recent election and installation of a new Mayor, the signatory information with the bank needs to be updated. The attached resolution will express the City's desire to formally authorize changes to the signatories on the checking account with Security Bank of Kansas City.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION, KANSAS
RESOLUTION NO. _____**

A RESOLUTION AUTHORIZING SIGNATORIES FOR CERTAIN BANK CHECKING ACCOUNTS OF THE CITY OF MISSION, KANSAS

WHEREAS, The City of Mission utilizes Security Bank of Kansas City for its banking services; and

WHEREAS, the City has checking accounts from which funds are disbursed by means of a written order to the bank to pay a stated sum from the City's account (i.e. a bank draft or warranty check); and

WHEREAS, from time to time the City needs to authorize the addition or deletion of signatories on these checking accounts.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Mission:

Section 1. The following addition and deletion of signatories to the City of Mission's Checking Account with Security Bank of Kansas City will be made:

Checking Account: XXXX-XXXX-6933

Ronald E. Appletoft - Deleted
Solana Flora - Added
Brian Scott - Remains

Section 2. The Deputy City Administrator/Finance Director will be authorized to submit this approved resolution to Security Bank and to secure all forms and documents necessary to execute the intent of this resolution.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 15th day of December 2021.

APPROVED BY THE MAYOR on this 15th day of December 2021.

Solana Flora, Mayor

ATTEST:

Audrey M. McClanahan, City Clerk