



**CITY OF MISSION, KANSAS**  
**FINANCE & ADMINISTRATION COMMITTEE**

**WEDNESDAY, April 12, 2023 at 7:30 p.m.**

**(or immediately following 6:30 p.m. Community Development Committee)**

**MISSION CITY HALL**  
**6090 Woodson Street**

**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**

**ACTION ITEMS**

1. Acceptance of the March 1, 2023 Finance & Administration Committee Minutes - Robyn Fulks ([page 4](#))

Draft minutes of the March 1, 2023 Finance and Administration Committee meeting are included for review and acceptance.

2. CMB Application Tacos on Lamar LLC dba Tacos El Gallo – Robyn Fulks ([page 12](#))

State statutes and Mission's Code require all businesses wanting to sell Cereal Malt Beverages or Enhanced Cereal Malt Beverages (CMB) to complete an application that includes information on the business and the business owner and/or manager. Additionally, a criminal history background check is completed on the business owner/manager by our Police Department. All original applications and renewals for the sale of CMB must be approved by the City Council. Tacos on Lamar, LLC dba Tacos El Gallo has submitted their application to sell CMB on premises, along with the required license fee. The required background check has been completed without issue and is now ready for City Council consideration.

3. Resolution for 2023 City-Sponsored Festival Events – Penn Almoney ([page 13](#))

The City is required to pass a resolution designating specific City-sponsored Festival Events where alcohol may be consumed if they are held outside of the designated

common consumption area. The resolution includes the Mission Summer Family picnic on July 8, Yoga on the Deck on July 21 and the Concert in the Park on September 1.

4. Declaration of Surplus Equipment – Emily Randel ([page 15](#))

City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. The City Council will be asked to consider a resolution identifying surplus items that include Items to be declared as surplus include a 2008 Chevrolet pick-up truck, a 2017 Ford Explorer, and miscellaneous audio and computer equipment.

5. Predevelopment Agreement Mission & Beverly, LLC (Milhaus Development) – Laura Smith ([page 19](#))

Milhaus Development has approached the City with plans to assemble and redevelop several parcels east and south of the Powell Community Center for a 228-unit market-rate, multi-family housing project currently known as the . They intend to submit an application for the use of tax abatement. The predevelopment agreement is the first step in consideration of the developer's request for the use of incentives, allowing the City to cover its costs in evaluating the request and negotiating a redevelopment agreement. Approval of the predevelopment agreement does not obligate the City to approve the request for use of specific incentives for the project.

6. Resolution Adopting Antisemitism Definition – Laura Smith ([page 27](#))

During the March 15 City Council meeting, representatives from the Jewish Community Relations Bureau/American Jewish Committee (JCRB/AJC) presented information on the increasing incidents of antisemitism across the country. They are working with cities throughout the region to educate and seek adoption of the International Holocaust Remembrance Alliance's working definition of antisemitism. A Resolution has been included in the packet for Council review and action.

7. Personnel Policy Guidelines – Emily Randel ([page 38](#))

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 May 1, 2023.

8. Purchase and Installation of Automated License Plate Readers – Dan Madden ([page 174](#))

To assist with crime prevention, crime detection and other public safety concerns the Police Department is recommending a contract with Electronic Technology, Inc for the purchase and installation of automated license plate readers (ALPRS) at key locations throughout the City. Funds for the ALPRS were secured through an appropriations grant secured through the Department of Justice.

9. Classification and Compensation Recommendations – Mission Police Department – Laura Smith/Dan Madden ([page 186](#))

At various points over the last several years, the challenges faced by the Police Department in recruiting and retaining qualified, competent sworn law enforcement officers has been communicated to Council. While admittedly a challenge nationwide, the difficulties for smaller departments like Mission continue to increase as agencies (both public and private) in the metropolitan area are leap-frogging over one another to increase compensation in an effort to both attract and retain officers. Staff will discuss the current environment and make recommendations to address the challenges in a way that is both meaningful and sustainable.

## **DISCUSSION ITEMS**

### **10. Election of Council President and Vice President - Laura Smith - no attachments**

In accordance with Mission's Municipal Code Section 115.050, in April of odd-numbered years, elections for a Council President and Vice President will be held. The President and Vice President will serve two year terms.

### **11. Consideration of Regulations for Tobacco and Electronic Cigarette Retailers – Laura Smith ([page 188](#))**

Since October 2022, the Council has been discussing issues related to Mission's zoning code regulations for retailers selling tobacco or electronic cigarettes. In March, Staff recommended and Council approved a temporary (150 day) moratorium on the issuance of new business licenses for tobacco retail establishments. This provides time for the Council to appropriately continue to study and discuss the issue, and ensures time for any contemplated changes to the zoning regulations to be heard and considered.

## **OTHER**

### **12. Department Updates – Laura Smith**

**Trent Boultinghouse, Chairperson**  
**Debbie Kring, Vice-Chairperson**  
***Mission City Hall, 6090 Woodson St***  
***913.676.8350***

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Robyn Fulks

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

**RE:** March 1, 2023 Finance & Administration Committee Minutes.

**RECOMMENDATION:** Review and accept the March 1, 2023 minutes of the Finance & Administration Committee.

**DETAILS:** Minutes of the March 1, 2023 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**

March 1, 2023

The Mission Finance & Administration Committee met at Mission City Hall and virtually via ZOOM on Wednesday, March 1, 2023. The following Committee members were present: Ken Davis, Ben Chociej, Trent Boultinghouse, Mary Ryherd, Debbie Kring, Lea Loudon and Mayor Flora. Councilmember Inman was absent. Councilmember Boultinghouse called the meeting to order at 8:05 p.m.

The following staff were present: City Administrator Laura Smith, Deputy City Administrator Brian Scott, Deputy City Administrator Emily Randel, City Clerk Robyn Fulks, Public Works Director Celia Duran, Parks and Recreation Director Penn Almoney, and Chief Dan Madden.

### **Public Comments**

Councilmember Boultinghouse 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/Informational Items**

There were no public presentations or informational items.

### **Action Items**

### **Acceptance of the February 1, 2023 Finance & Administration Committee Minutes**

Minutes of the February 1, 2023 Finance & Administration Committee were provided to the Committee for review.

Councilmember Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Animal Sheltering Services Contract**

Police Chief Dan Madden introduced a contract with Melissa's Second Chances for animal sheltering services due to potential licensing issues with the State for the current contract holder, Unleashed Pet Rescue. Chief Madden reached out to two local shelters, with Melissa's being the only one able to accept new clients. State records through the Department of Agriculture were reviewed and his team took a tour of the facilities, which were found to be satisfactory. The terms of the contract are similar to the terms of the current contract with Unleashed. He recommended a contract with Melissa's Second Chances of Shawnee, KS for animal sheltering services going forward. Chief Madden also mentioned revisions to the contract by the City's legal team, and a revised contract with proposed changes will be presented prior to Council approval.

Councilmember Kring asked about the status of Unleashed at this time. Chief Madden reported that the State has determined the license will be revoked, however the timeline of that revocation is unknown.

Mayor Flora disclosed that she does foster care for animals through Melissa's, and that she is not paid for those services.

Councilmember Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Johnson County Mental Health Co-Responder Memorandum of Understanding (MOU)**

Chief Madden next presented to the Committee a revised MOU with Johnson County Mental Health for mental health co-responder services. He explained that, as part of a second grant received, an audit has been carried out. Grant language and MOU revisions were needed to comply with the audit. There were no changes to the general terms of the MOU.

Councilmember Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

## **DISCUSSION ITEMS**

### **2022 Year End Project Status Update**

Ms. Smith presented the 2022 Year End Project Status Report, which was initially introduced at the February City Council meeting. She highlighted successes from 2022, which are also provided in quarterly status updates. Highlights include award of the STP grant of \$6 million, along with grants for Mohawk Park Phase I, a pending grant application for Streamway Park, the Planning Sustainable Places (PSP) Grant plus likely funds for a second PSP grant, CARS and SMAC funding. Staff continues to research and explore additional grant funding opportunities. Ms. Smith also highlighted the Johnson Drive reconfiguration process, Foxridge design work, and success across all departments, which provides a lot of pride.

Ms. Smith also touched on the large increase in planning and land use development applications with 38 total Planning Commission cases considered in 2022, many of which are large projects that are great investments in the community. 377 building permits were issued in 2022 valuing \$42 million, a 6% decrease over 2021 in terms of number, but with much higher project valuation. Staff will meet with appraisers in the near future to understand the anticipated status of the City's overall valuation and expects to see continued growth. Code enforcement activity has been consistent, even with a vacancy in the position for part of 2022. Parks + Recreation revenues are trending in the right direction and the Childcare Aware Grant secured by Staff has helped offset costs of the summer camp program. That program is already mostly full for the 2023 season. Staff continues to work on the PCC Feasibility Study, and findings will be presented during a work session on March 29. Ms. Smith and Parks + Recreation Director Penn Almoney have spent a considerable amount of time with the PROS Consulting team who are preparing the study. She thanked Council for their patience in the extended timelines for both the PCC Feasibility Study and update to the Comprehensive Plan. Ms. Smith highlighted parks maintenance activities and the department's efforts to recruit additional parks maintenance staff. Projects upcoming will include Mohawk Park Phase II, the Broadmoor Park trail, and Water Works Park design and construction.

Projects completed this year that Ms. Smith highlighted include the Anderson Park Tennis Courts which are used frequently, renewal of the dedicated Parks + Recreation Sales Tax, completion of the Facility Conversation Improvement

Program, Johnson Drive reconfiguration, a successful general obligation bond issue and a continued emphasis to provide timely Council updates on projects and activity.

Ms. Smith also highlighted the continued development interest in our community, noting that this requires tremendous staff time, effort and energy to review and consider. Development highlights include the adoption of the 2018 ICC Building Codes and a commitment to explore adoption of the the 2021 IEEC energy code. Ms Smith noted that joint work sessions between the Council and Planning Commission were scheduled for the Comprehensive Plan, with its final adoption anticipated this summer.

The full implementation of Municipal Court software is nearly complete, with online payments going live the preceding week. A new Recreation Coordinator will start in March at Parks + Recreation, with a possible second full time position open pending results of the feasibility study.

Ms. Smith spoke about asset inventory and street maintenance programs, with an updated PCI inventory being completed later this spring. Public Works Director Celia Duran is working to develop stormwater criteria to assist with the evaluation of a plan and budget for stormwater projects that are large but not in major creek channels or associated with a street project. Additional stormwater funding, including through SMAC, hopefully will allow for recommendations of how to schedule these projects in the 5-year CIP. Deputy City Administrator Emily Randel has been working on the Greenhouse Gas Update, currently in the data collection phase, with a final report expected in May.

Ms. Smith updated the status of automated license plate readers that Chief Madden has been working on, which will hopefully come before the Council in April followed by policies related to their use for the Council to review and approve.

Councilmember Davis asked Ms. Smith about the standing on vacant positions within City staff. Ms. Smith reviewed that the building inspector position approved by Council is currently being advertised with applications coming in, a job offer for the mechanic's position in Public Works has been extended, and interviews will begin in the next week for the Budget & Finance Manager position. Additionally, an anticipated retirement later this year in Police Records has allowed Staff to look at how to best and most efficiently fill that upcoming



vacancy. A public safety clerk position is posted currently with the position reporting to Municipal Court, but expected to provide support and some cross-over between the police and court.

Councilmember Kring asked for a weekly update of current business coming and going. She feels she is asked most frequently by residents about upcoming businesses. Ms. Smith highlighted that the business information is being provided via the Mission Monthly, and asked for input as to how else the information might best be received. She noted that a weekly update would not isn't realistic, but monthly updates will continue and Staff will continue to explore ways to improve the communication. Councilmember Kring would like the owners at the Popeye's building, currently closed due to fire damage, to change their sign to reflect the closure to avoid possible traffic issues. She would also like to see the City consider a formal exit interview process whenever a business leaves the City. Ms. Smith confirmed that there is no formal mechanism for that currently, however this may be an item for discussion when the economic development retreat can be rescheduled. Ms. Smith also highlighted the business form held in November and the small amount of feedback received from the survey after the forum. More from that will be shared by Staff in the coming weeks.

Councilmember Davis asked about a survey to residents after street projects. Ms. Smith confirmed that did happen, and Ms. Duran shared that she has that data, but it has not been compiled yet. She will work to get that out. She continues to work on the best ways to inform residents and business owners about updates on projects.

Councilmember Loudon mentioned landlord issues as discussed at the business forum. She would like to see Staff meet with landlords on Johnson Drive. Ms. Smith agreed that was an issue raised through the forum and mentioned that she is working on the best way to approach that. Staff is aware of some landlord issues, but more information from tenants would be nice to help resolve that. Councilmember Loudon followed up by asking about action and next steps stemming from the business forum. Ms. Smith had Deputy City Administrator Emily Randel review steps already taken by Staff following the forum, including external effort shown in the relationship between the City and businesses, social media highlights, Mission Monthly business section with openings and highlights of the business community, and an updated and revised business directory on the website which is currently in progress. Engagement from the business community continues to be sought out and continued brainstorming for what

City can do to partner with businesses.

### **2023 Master Calendar Review**

Ms. Smith shared a 2023 master calendar, which will be used for better communication, listing of business community events and Council events for scheduling purposes. An electronic calendar has also been created and electronic calendar invites will be sent for events like council meetings, work sessions and events. For discretionary events, a calendar invite will be sent upon RSVP. The Committee was in agreement that calendar invites will be appreciated. Travel plans and conferences will also be added to the master calendar for planning purposes.

Ms. Smith reviewed that a budget work session has been scheduled for March 15 prior to the City Council meeting. A memo will be sent out prior to the work session as well to help capture where Staff is on projects, timing and moving forward with Council goals and objectives. She stated that projects coming this year and those already known to be carrying over into 2024 do seem to align well with Council goals and objectives.

Ms. Smith highlighted special presentations coming at the March council meeting including a Seven Days Supportive City proclamation, a fair housing month proclamation, and a presentation from JCRB/AJC regarding a potential Resolution to adopt a working definition of anti-Semitism. An Executive Session will also be necessary.

Councilmember Boultinghouse expressed his appreciation for the master calendar and its linear format. He would like to see that for the weekly council calendar that is sent out, and all on the Committee agreed. Ms. Smith acknowledged the feedback. She also reminded the Committee that the April committee meetings will be pushed back one week to align with observation of the Passover.

Mayor Flora commented that, with regards to the calendar, it would be helpful to Staff if Council could provide RSVPs in a timely manner. She also mentioned that a 1Q 2023 retreat was not set because many of the priorities have carried over from 2022 as there have not been any changes in Council. Ms. Smith will send out a memo as part of the work session materials for review and discussion at the March 15 work session. If Council sees anything that is believed to be a

priority that is not captured it can be addressed during the work session.

Ms. Smith stated that economic development related to the relationship to existing businesses and a potential overhaul of incentive policies still need to be scheduled for conversations in a mini-retreat session.

Councilmember Davis asked if they should be RSVPing if their answer is “no,” or only if the answer is “yes.” City Clerk Robyn Fulks explained that it would be helpful to Staff for a response either way so that Councilmembers won’t have to sift through emails about events that don’t apply to them.

Councilmember Thomas congratulated Councilmember Boultinghouse on the upcoming birth of his first child, and to Councilmember Ryherd for her upcoming delivery as well.

### **Department Updates**

There were no department updates.

### **OTHER**

### **Meeting Close**

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:47 p.m.

Respectfully submitted,

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Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	2.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Robyn Fulks

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

**RE:** CMB Application – Tacos on Lamar LLC dba Tacos El Gallo – 5038 Lamar Ave.

**RECOMMENDATION:** Approve the application for Tacos on Lamar LLC dba Tacos El Gallo, 5038 Lamar Ave, to sell Cereal Malt Beverage on premises.

**DETAILS:** State statutes and Mission’s Code require all businesses wanting to sell Cereal Malt Beverages / Enhanced Cereal Malt Beverages (CMB) to complete an application that includes information on the business and the business owner and/or manager. Additionally, a criminal history background check is completed on the business owner/manager by our Police Department. All original applications and renewals for the sale of CMB must be approved by the City Council. Renewal CMB licenses are presented annually to Council for approval at the December City Council meeting.

Tacos on Lamar LLC dba Tacos El Gallo has submitted their application to sell CMB on premises, along with the required license fee. The required background check has been completed without issue. This approval is good through December 31, 2023.

**CFAA CONSIDERATIONS/IMPACTS:** NA

Related Statute/City Ordinance:	K.S. A. 4-2702, Mission City Code Chapter 600
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	3.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Parks + Recreation</b>	From:	Penn Almoney

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

**RE:** Resolution Designating 2023 City Sponsored Festival Events

**RECOMMENDATION:** Approve the resolution designating the Mission Summer Family Picnic on Saturday July 8, 2023 at Broadmoor Park; Yoga on the Deck on Friday, July 21 at the MFAC and Concert in the Park on Friday, September 1, 2023 at Broadmoor Park as City-sponsored Festival events.

**DETAILS:** Ordinance No. 1172 was passed on September 14, 2005 exempting City-owned or public property from the prohibition on the consumption of alcoholic liquor in connection with City sponsored festival events.

Included in the ordinance is a requirement that the City Council pass a resolution each year designating specific events to be held in that calendar year. Any vendor providing alcohol at an approved event is required to obtain a temporary/special event license from both the State of Kansas and the City of Mission. Vendors are limited to four temporary or special event permits per calendar year.

**CFAA CONSIDERATIONS/IMPACTS:** Events and festivals provide opportunities for those of all ages to gather, connect with neighbors, and create a stronger sense of community and resilience.

Related Statute/City Ordinance:	Mission Ord. 1172
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DESIGNATING THE 2023 CITY SPONSORED FESTIVAL EVENTS.**

**BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF MISSION:**

**Section 1.** The Mission Summer Family Picnic shall be held on July 8 from 6-10 p.m. in Broadmoor Park. Alcoholic beverages that may be consumed within the Designated District for City Sponsored Festival Events shall be beer, wine, and alcoholic liquor.

Yoga on the Deck shall be held on July 21 from 8-10 p.m. at the Mission Family Aquatic Center. Alcoholic beverages that may be consumed within the Designated District for City Sponsored Festival Events shall be beer, wine, and alcoholic liquor.

The Concert in the Park shall be held on September 1 from 6:30-10 p.m. in Broadmoor Park. Alcoholic beverages that may be consumed within the Designated District for City Sponsored Festival Events shall be beer, wine, and alcoholic liquor.

**Section 2.** Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City Ordinances.

**THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 19th DAY OF APRIL 2023.**

**THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 19th DAY OF APRIL 2023.**

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	4.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Emily Randel

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

**RE:** Declaration of Surplus Equipment

**RECOMMENDATION:** Approve the resolution providing for the sale/disposal of surplus equipment from various Departments.

**DETAILS:** City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. Property and equipment identified for surplus has been included as Attachment A to the Resolution.

Each Department, in consultation with the Deputy City Administrator for Finance & Administrative Services, will be responsible for determining the best method for disposal in accordance with Council Policy and State law.

Items to be declared as surplus include a 2008 Chevrolet pick-up truck that was involved in an accident in March of this year and declared a total loss by the insurance company. Additionally, a 2017 Ford Explorer with a broken transmission is included on the list. Given the car's age and milage, it is not advantageous to make the repairs. The list also includes miscellaneous audio and computer equipment.

Related Statute/City Ordinance:	K.S.A. 12-101, City Council Policy 111
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION, KANSAS  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING SURPLUS PROPERTY FOR SALE OR DISPOSAL**

**WHEREAS**, City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101; and

**WHEREAS**, the City, has identified those items listed on Attachment A as “Surplus Property;”

**NOW, THEREFORE**, be it resolved by the Governing Body of the City of Mission:

**Section 1.** The items included on Attachment A are hereby declared as surplus.

**Section 2.** The Deputy City Administrator of Finance and Administrative Services, in consultation with each Department, will be responsible for determining the best method for disposal or sale of the items declared as surplus.

**Section 3.** In accordance with Council Policy 111, all City Officials and employees, both elected and appointed, are prohibited from participating in the purchase of real and personal property from the City.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 19th day of April 2023.

**APPROVED BY THE MAYOR** on this 19th day of April 2023.

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk



**Attachment A  
Surplus Items - April 19, 2023**

Item	Description	Serial Number/Asset Tag	Department	Quantity	Estimated Residual Value
<b><u>Vehicles / Equipment</u></b>					
2009 Chevrolet Silverado Pickup Truck		1GCEC14XX8Z159903	Parks + Recreation	1	\$ 9,900.00
2017 Ford Explorer		1FM5K8AT9HGA94367	Police	1	\$ 7,000.00
<b><u>Other Equipment</u></b>					
Audia Solo			City Hall	1	\$200.00
<b><u>Computer Equipment</u></b>					
HP printer	Color laser M452dn		Municipal Court	1	\$100.00
HP printer	Office setpro 8610		City Hall	1	\$100.00
Dell	Desktop	DSD03W2	City Hall	1	\$200.00
Dell	Lattitude 5520 laptop	9kzp-463	City Hall	1	\$200.00
Dell	Precision 5520 laptop	MSNLCHMAYOR	City Hall	1	\$150.00

**CITY OF MISSION**  
**CITY COUNCIL POLICY MANUAL**

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**POLICY NO. 111**

**SALE OF REAL PROPERTY & EQUIPMENT**

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- 1.01 This policy describes the process and procedure for the sale of real and personal property by the City which is also outlined in KSA 12-101.
- 1.02 All City Officials and employees both elected and appointed are prohibited from participating in the purchase of real and personal property from the City.
- 1.03 All real property of the City of Mission will be sold in accordance with applicable state law and requires the approval of the City Council.
- 1.04 The City will, on an as needed basis, establish a listing of unclaimed or obsolete personal property to be declared surplus. It will be the responsibility of the Department Head and Finance Director to determine the best means for disposing of or selling obsolete personal property, including the method of advertising.
- 1.05 The sale or disposal of real property will be determined on a case by case basis by the City Council.

**APPROVED BY THE GOVERNING BODY ON DECEMBER 8, 2004**

**REVISED AND APPROVED BY THE CITY COUNCIL ON APRIL 17,  
2019**

<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Laura Smith

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

**RE:** Predevelopment Agreement with Mission & Beverly, LLC for a proposed multi-family/mixed-use project

**RECOMMENDATION:** Approve a predevelopment agreement with Mission & Beverly, LLC (Milhaus Development) for consideration of a 228-unit multi-family and mixed-used redevelopment project known as the Mission-Beverly Mixed Use Project.

**DETAILS:** Since the fall of 2022, staff has been in discussion with representatives from Milhaus Development regarding a 228-unit multi-family project proposed in two buildings, located east and south of the Powell Community Center on several assembled parcels. The Council heard an initial presentation on the project in November 2022, and a meeting was held on Monday, March 20, 2023 at which time the project was presented to surrounding neighbors.

The developer has indicated a desire to seek a property tax abatement for the project. Historically, when the City entertains discussions surrounding the use of incentives, a “Predevelopment Agreement” is negotiated with the proposed developer. An agreement which includes the following provisions will be presented for Council review and consideration.

- A. Designation of Mission & Beverly, LLC as the “Developer of Record” for the Project Area from the effective date of the agreement through December 31, 2023.
- B. Development is contingent on satisfactory negotiation of a final development agreement, completion of the planning and zoning entitlement process, and agreement on any public improvements and development design.
- C. Nothing in Predevelopment Agreement obligates the City to approve any public incentives.
- D. The Developer will establish a \$10,000 fund to reimburse for any City expenses incurred during discussion and review of a final development agreement.

Adoption of the predevelopment agreement does not obligate the City Council to any public incentives. The specific terms of a final development agreement will be considered once City staff and the City’s consulting team have evaluated the request and formulated a recommendation to the City Council.

Staff recommends that the City Council approve the predevelopment agreement

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

<b>City of Mission</b>	Item Number:	5.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Laura Smith

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

between the City of Mission and Mission & Beverly, LLC for consideration of an incentive request related to a 228-unit, multi-family redevelopment project known as the Mission-Beverly Mixed Use project.

The agreement is included in the packet for your review and information.

**CFAA CONSIDERATIONS/IMPACTS:** Access to quality housing for individuals of all ages is an important pillar of the Community for All Ages initiative. The proposed redevelopment project will provide additional housing options for residents of Mission.

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

## PREDEVELOPMENT AGREEMENT

THIS PREDEVELOPMENT AGREEMENT (this “Agreement”) is entered into as of the \_\_\_ day of \_\_\_\_\_, 2023, between the CITY OF MISSION, KANSAS, a municipal corporation of the State of Kansas (the “City”), and MISSION & BEVERLY, LLC, a limited liability company, and its successors and assigns (the “Developer”) (the City and Developer are hereby collectively referred to as the “Parties”).

### RECITALS

A. The Parties desire to enter into this Agreement in order to designate the Developer as the exclusive developer during the term of this Agreement for the purpose of studying the feasibility of a multi-family housing development (“Development”) to be located at \_\_\_\_\_ Martway, Mission, Kansas (“Project Area”) and determining matters that may be included in a development agreement between the Parties (“Development Agreement”).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the City and the Developer agree as follows:

1. DEVELOPER OF RECORD. The City acknowledges that there are risks and costs of preliminary planning activities and other requirements associated with the preparation of a project plan under development. As an inducement to Developer to assume those costs and undertake those activities set forth herein, and for the other consideration described herein, the City designates Developer as the exclusive developer of record for the Project Area for a period commencing on the date of this Agreement and expiring on December 31, 2023 (“Term”). During the Term, as long as this Agreement is in effect, the City agrees that it will not enter into

an agreement with any other person or entity for the implementation of any redevelopment project within the Project Area without the written consent of Developer.

2. BASIC TERMS OF FINAL DEVELOPMENT AGREEMENT.

The Parties agree that before either party is obligated to proceed with any development within the Project Area, a Development Agreement, satisfactory to both Parties in their sole and absolute discretion, must be entered into. Although the specific terms of such Development Agreement must be negotiated between the Parties, the Parties presently believe that such terms must necessarily address, at a minimum, the following matters, to-wit:

A. Determination of Development. The Parties must agree on the proposed square footages of each building, number of living units and the exterior design for the Development.

B. Agreement on Site Work, Infrastructure and Utilities. The Parties shall agree on how site work, utilities, street, intersection, sidewalk and similar improvements are to be addressed by any development plan.

C. Agreement on Plans and Specifications. The Parties shall agree on the plans and specifications of the exterior design of the Development.

D. Agreement on Progress Schedule. The Parties shall agree on a progress schedule by which the Development will be undertaken and completed, subject to force majeure.

E. Zoning Changes. The Parties shall agree as to how any necessary zoning changes will be addressed. Nothing contained within this Agreement, nor any future agreement, shall be deemed to bind the City, acting in its governmental capacity, to make any such zoning changes.

F. Public Incentives. The Parties shall agree on public incentives, if any, for which the Development qualifies.

G. Other Matters. The Development Agreement shall also address any other matters that either party deems appropriate.

In the event of a conflict between this Agreement and the Development Agreement, the terms of the Development Agreement shall control.

3. OBLIGATIONS OF THE PARTIES TO PROCEED.

The obligation of the Parties to proceed beyond this Agreement is dependent upon the Parties entering into a Development Agreement prior to the termination of this Agreement. Nothing contained herein shall: (i) obligate the City to create or approve the Development; (ii) obligate the City to create or approve a development plan for Project Area; (iii) obligate the City to approve or provide public incentives; or (vi) obligate either party to enter into a Development Agreement.

4. FEASIBILITY STUDY. The City may wish to obtain a third-party Feasibility Study (the “Study”) to determine whether the Development’s benefits and tax increment revenue and other available revenues are expected to exceed or be sufficient to pay for the eligible costs of the Development. Developer shall reasonably cooperate with the City and its consultants in connection with the Study, including but not limited to sharing non-proprietary information, attending public input sessions and attending City Council work sessions.

5. MISCELLANEOUS.

A. Costs. Except as otherwise provided specifically herein, each party shall be solely responsible for all costs and expenses incurred by such party in connection with the matters contemplated by this Agreement. Provided, however, that the Developer will reimburse and pay the City for its expenses incurred (“City Expenses”) following execution of this Agreement.

i. In order to ensure the prompt and timely payment of the City Expenses, the Developer will establish a fund (the “Fund”) in the amount of \$10,000.00 (“Initial Deposit”) by paying such amount to the City contemporaneously with the execution of this Agreement, receipt of which is hereby acknowledged.

ii. City shall provide Developer with a written description of each City Expense containing the name of the party to which the expense will be owed and a reasonable description of the work to be performed or service to be provided. Developer shall have fifteen (15) days after receipt of the City's notice to approve or deny the expense or request additional detail. In the event Developer fails to respond within the fifteen (15) day period, the expense shall be deemed approved. In the event Developer denies any City Expense, the City and Developer shall attempt in good faith to resolve Developer's objection thereto; in the event the parties are unable to resolve such objection, City may terminate this Agreement.

iii. On a monthly basis, the City will pay the approved City Expenses from the Fund and will submit to Developer monthly statements itemizing the approved City Expenses paid from the Fund during the preceding month.

iv. In the event the City determines that the total of the City Expenses will exceed the balance in the Fund, the City will submit an itemized statement therefor to the Developer to replenish the Fund so that there is a cash balance available against which additional City Expenses may be applied on a current basis.

v. All statements of approved City Expenses will be payable by Developer within thirty (30) days of receipt thereof.

vi. If economic incentives are extended to Developer for its project, and any City Expenses are eligible for reimbursement through such incentives, the City will not oppose such reimbursement.

vii. All studies, reports, and other work product, other than attorney-client work product, prepared for City and paid out of the Fund shall be provided to Developer at no charge to Developer.



B. Assignability. Neither party shall assign this Agreement without the written consent of the other party.

C. Amendments. This Agreement may be supplemented or amended only by written instrument executed by the Parties affected by such supplement or amendment.

D. Applicable Law. This Agreement shall be deemed to be entered into in the state of Kansas, and shall be enforceable under the laws of that state.

E. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon the Parties hereto, and the permitted successors and assigns of the Parties.

F. Non-liability of City Officials and Employees. No member of the governing body, official or employee of the City shall be personally liable to Developer, or any successor in interest to Developer, pursuant to the provisions of this Agreement, nor for any default or breach of the Agreement by the City.

G. Not A Partnership. The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the Parties.

H. Termination. Developer may terminate this Agreement upon ten (10) days' advance written notice to the City, in which event (i) the City will be reimbursed for all approved City Expenses actually incurred by the City prior to the receipt of such termination notice, (ii) all remaining moneys on deposit in the Fund shall immediately be returned to Developer, and (iii) this Agreement shall automatically terminate and the Parties shall have no further obligations hereunder.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF MISSION, a Kansas municipal corporation

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn Fulks, City Clerk

MISSION & BEVERLY, LLC, a limited liability company

By: \_\_\_\_\_  
John McGurk, Manager

<b>City of Mission</b>	Item Number:	6.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Laura Smith

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

**RE:** Resolution Adopting Antisemitism Definition – Laura Smith

**RECOMMENDATION:** Approve the Resolution recognizing the growing problem of antisemitism in the United States and calling for the adoption of the International Holocaust Remembrance Alliance’s working definition of antisemitism.

**DETAILS:** During the March 15 City Council meeting, representatives from the Jewish Community Relations Bureau/American Jewish Committee (JCRB/AJC) presented information on the increasing incidents of antisemitism across the country. They are working with cities throughout the region to educate and seek adoption of the International Holocaust Remembrance Alliance's working definition of antisemitism. A Resolution has been included in the packet for Council review and action.

Antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, remains a persistent and disturbing problem in American society. The Resolution outlines Mission’s commitment to adopt the non-legally binding International Holocaust Remembrance Alliance Working Definition of Antisemitism and provides for the working definition be made available as an educational resource to all City employees.

Adoption of the working definition aligns with Mission’s non-discrimination protections and Council’s desire to take action where appropriate to signal and reinforce our goal of being a welcoming and inclusive community.

**CFAA CONSIDERATIONS/IMPACTS:** The City strives to adopt and support policies which align with its non-discrimination protections and the overall goal of being a welcoming and inclusive community.

Related Statute/City Ordinance:	Mission Municipal Code Section 615.020
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN THE UNITED STATES AND CALLING FOR THE ADOPTION OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE WORKING DEFINITION OF ANTISEMITISM AS AN IMPORTANT TOOL TO ADDRESS THE PROBLEM**

**WHEREAS**, Antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, remains a persistent and disturbing problem in American society; and

**WHEREAS**, The Jewish community continues to be targeted in the United States and is consistently the most likely of all religious groups to be victimized by incidents of hate; and

**WHEREAS**, Incidents motivated by antisemitism are increasing at an alarming rate; and

**WHEREAS**, The deadliest attack to date against the American Jewish community took place on October 27, 2018, at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, where a senseless act of violence took the lives of 11 members of the Tree of Life, New Light and Dor Hadash congregations; and

**WHEREAS**, The Kansas Jewish community has experienced firsthand the deadly result of antisemitism when, on April 13, 2014, three people lost their lives due to antisemitic attacks at the Jewish Community Center of Greater Kansas City and the Village Shalom, both located in Overland Park, Kansas; and

**WHEREAS**, State officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must adopt the tools to do so; and

**WHEREAS**, Valid monitoring, informed analysis, investigation, and effective policy-making benefit from accurate and uniform definitions; and

**WHEREAS**, In May 2016, the International Holocaust Remembrance Alliance (IHRA), by a consensus vote of its member states, adopted a Working Definition of Antisemitism; and

**WHEREAS**, The IHRA's Working Definition of Antisemitism includes eleven examples of contemporary antisemitism that capture some of the many ways antisemitism manifests itself, whether in public life, media, schools, the workplace, or the religious sphere; and

**WHEREAS**, The IHRA's Working Definition of Antisemitism has become the internationally recognized and authoritative definition used by governments, international organizations, and educational institutions; and

**WHEREAS**, The IHRA's Working Definition of Antisemitism is utilized by numerous government and law enforcement agencies, including the United States Department of State and the United States Department of Education, in monitoring, training and education, and has been adopted through legislative or executive action in an increasing number of U.S. states; and

**WHEREAS**, The City of Mission recognizes the important contributions of the Jewish community;

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

**SECTION ONE:** The City of Mission adopts the non-legally binding International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the 11 contemporary examples; and

**SECTION TWO:** The Governing Body of the City of Mission will ensure that the Working Definition of Antisemitism is made available as an educational resource to all City employees; and

**SECTION THREE:** Nothing in this resolution shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of the State of Kansas; and

**SECTION FOUR:** The City Clerk shall send certified copies of this resolution to the Jewish Community Relations Bureau/American Jewish Committee and the Combat Antisemitism Movement.

**THIS RESOLUTION IS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, THIS 19th DAY OF APRIL 2023.**

**THIS RESOLUTION IS APPROVED BY THE MAYOR THIS 19th DAY OF APRIL 2023.**

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Solana Flora, Mayor

ATTEST:

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Robyn L. Fulks, City Clerk

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**In order to combat  
antisemitism, we need to  
define it.**

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## *11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts*

## *One Dead in Synagogue Shooting Near San Diego; Officials Call It Hate Crime*

Jersey City Shooting Was 'A Targeted  
Attack On The Jewish Kosher Deli'

## *5 Wounded in Stabbing at Rabbi's Home in N.Y. Suburb*

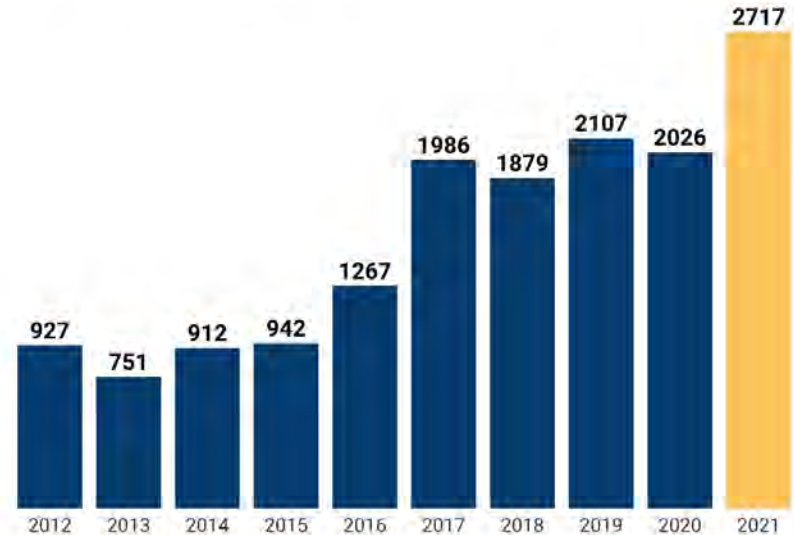
All Hostages Are Out Alive And Safe At Congregation Beth  
Israel In Colleyville, Suspect Dead

COLLEYVILLE, Texas (CBSDFW.COM) – A hostage situation at a synagogue  
in Colleyville on Saturday, January 15 ended after nearly 11 hours when...

## **Antisemitic acts in US soared 80% in a month, Jewish security group reports**

Secure Community Network blames widespread disinformation and  
clear calls for violence against Jews, deliberately spread online, including  
from Iran

Antisemitic Incidents | U.S.  
Ten Year Review | 2012–2021



2021 was the most antisemitic year in the  
last decade - antisemitism report

WZO and the Jewish agency released the grim statistics gathered in their annual  
Antisemitism Report, ahead of Holocaust Memorial Day.

**41%**

**of American Jews  
feel the status of  
Jews is less secure  
than a year ago.**



# 26%

of American Jews report being the target of an antisemitic incident.



3%

VICTIM OF AN ANTISEMITIC  
PHYSICAL ATTACK



20%

VICTIM OF AN ANTISEMITIC  
REMARK IN-PERSON



13%

VICTIM OF AN ANTISEMITIC  
REMARK ONLINE

**Jewish students in our region are confronted by antisemitism on a disturbingly regular basis.**



**81%**

of Jewish students surveyed have experienced or witnessed at least one form of antisemitism at school

**JCRB | AJC** Kansas City



# What people don't know about antisemitism

Antisemitism does not only affect religious Jews.

Antisemitism is perpetuated through centuries-old tropes and “dog whistles.”

Antisemitism is a unique form of hatred.

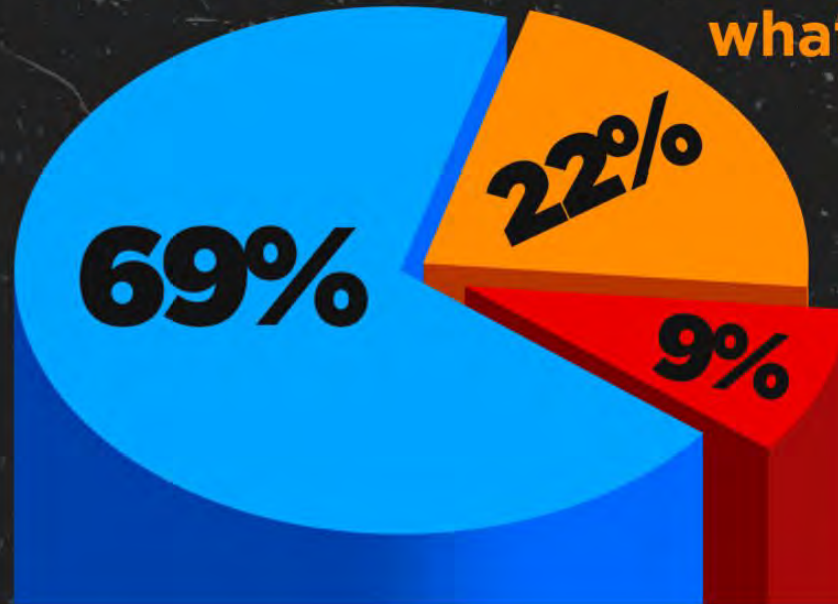
Antisemitism is more than a hatred of Jews – it's a certain *perception* of Jews.

How familiar are you with the term *antisemitism*?

Heard the term, and know what it means

Heard the term, but unsure what it means

Have never heard of the term



# The International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

<b>City of Mission</b>	Item Number:	7.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Emily Randel

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

**RE:** City of Mission’s Personnel Policies and Guidelines Updates

**RECOMMENDATION:** Approve the Ordinance adopting the changes proposed to the City of Mission’s Personnel Policies and Guidelines effective May 1, 2023.

**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 City began using Sandy Brown with The Employer’s Resource for Human Resources consulting in 2022. Ms. Brown conducted a review of the City’s personnel policies to inform these updates.

The recommendations include changes to the paid caregiver leave that was implemented in 2021. The changes clarify the intent of the caregiver leave as to provide time for employees to stabilize unforeseen and/or crisis situations related to care for a family member. Employees with predictable caregiving needs are encouraged to use their existing sick leave benefit for those uses. The recommendations also reduce the overall amount of time provided by the paid caregiver leave, requires that intermittent caregiver leave be taken within a 60-day period, and clarifies that the City Administrator has final approval for paid parental and caregiver leave requests.

The changes also updates job titles, affirms the possibility of termination during employee training at the time of a new hire, requires that employees must obtain supervisor approval to take a personal day, adds the ability for certain long-term, part-time employees to participate in the supplemental retirement plan, clarifies that hourly, non-exempt employees are to be compensated for travel time that occurs during non-working hours and makes reference to Kansas and Federal law in regards to legal use of drugs.

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

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

<b>City of Mission</b>	Item Number:	7.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Emily Randel

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

<b>Section Number - Page Number</b>	<b>Recommended Revision</b>
C-2, p. 5 – Recruitment, Hiring and Termination of Department Directors	Replaces Assistant City Administrator/Finance Director and Assistant to the City Administrator with Deputy City Administrator
C-4, pg. 7 – Training Period	Clarifies that an employee may be dismissed during new hire training period
E-4, pg. 16 – Personal Days	Specifies that an employee must obtain approval from their supervisor to take a personal day and that the request may be denied if it causes disruption
E-13, (d) pg. 23 – Paid Parental Leave, Request for Paid Parental Leave	Adds that the City Administrator will grant final approval for all paid parental leave requests
E-15 (a), pg. 24 – Paid Caregiver Leave, Overview	Reduces the amount of leave per medical issue from six to three weeks and clarifies that the reason for leave must be an acute medical issue
E-15 (b), pg. 24 – Paid Caregiver Leave, Eligibility	Changes the word “parental” to “caregiver” that had been previously used in error
E-15, (c), pg. 24 – Paid Caregiver Leave, Request for Paid Caregiver Leave, Amount, Time Frame and Duration	Reiterates the total amount of caregiver leave allowed, sets the period of time in which intermittent leave may be taken at 60 days and restates that caregiver leave must be taken within a rolling 12-month FMLA period
E-15 (d), pg. 24 and 25 – Paid Caregiver Leave, Request for Paid Caregiver Leave	Adds the word “form” for additional clarity, removes reference to in-home care in favor of the more general term “care” and adds that the City reserves the right to verify the eligibility of the request and adds that the City Administrator will grant final approval for all paid caregiver leave requests

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

<b>City of Mission</b>	Item Number:	7.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Emily Randel

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

F-7, (a) pg. 27 – Supplemental Retirement, Principal Financial Group	Clarifies that benefit is applied to full time staff
F-7, (a) pg. 27 – Supplemental Retirement, Eligibility	Expands the terms of eligibility for participating to long-term, part-time employees who have worked more than 500 hours for two consecutive years as mandated by the SECURE Act 2.0.
F-16, (c) (5), pg. 34 – Travel and Training	Clarifies that hourly non-exempt employees will be compensated for their travel time when travel occurs during non-working hours.
N-5, (4) (b), pg. 54 – Substance Abuse	Adds to the definition of “legal use of drugs” reference to Kansas and Federal law.

Following review, and pending any additional changes, 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 May 1, 2023.

**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 May 1, 2023 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 May 1, 2023.

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 19th day of April 2023.

APPROVED BY THE MAYOR this 19th day of April 2023.

\_\_\_\_\_  
Solana Flora, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Robyn L. Fulks, 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: Deputy City Administrator, 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. At any time during a new hire training period, an employee may be terminated by the Department Director or designee with approval from the City Administrator.

**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 16<sup>th</sup> of the month will receive credit for the full month. Employees with start dates on or after the 16<sup>th</sup> 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.

**Commented [SB1]:** Do you have a max they can carry over year to year? I've seen Cities do: 'max is double the amount earned in a given year', or '400 hours for f/t & 200 hrs for p/t' - and the cut off be end of payroll year.



- (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 1<sup>st</sup> 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 31<sup>st</sup> 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. [An employee must obtain approval from their supervisor to take a personal day. A request for the day off may be denied if the requested personal day is at a time that would disrupt the department.](#)

**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 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. 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.
- (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. [The City Administrator will grant final approval for all requests.](#)

(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 ~~63~~ weeks of paid caregiver leave to provide ~~intermittent or~~ continual ~~or intermittent~~ care for a spouse, child or parent who due to ~~an acute~~ 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-caregiver~~ 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 may~~ receive a maximum of ~~63~~ weeks of paid caregiver leave per ~~acute~~ medical issue. In no case will an employee receive more than ~~63~~ weeks of paid caregiver leave ~~within~~ a rolling 12-month period. Approved caregiver leave ~~must may~~ be taken ~~within a 60-day period per acute event at any time during the 12-month period.~~ Paid caregiver leave may not be used or extended beyond ~~this 12-month time frame~~ the corresponding approved rolling 12-month FMLA period. 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 ~~form~~ 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

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documentation certifying the need for ~~additional in-home care~~. The City reserves the right to verify the eligibility of the request. The City Administrator will grant final approval for all requests.

- (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 full time employee's gross salary on a per payroll basis. A vesting schedule is available from the Human Resources Department.

(b) **Eligibility.** Full time Employees who have completed one year of service, are 21 years of age and who have worked more than 1,000 hours during that period, and long-term, part time employees who have

worked more than 500 hours for two consecutive years and who 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 15<sup>th</sup> 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. Hourly non-exempt employees will be compensated for their travel time when the travel occurs during non-working hours.
- (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 be 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.

Commented [SB2]: This is good!

#### **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 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, 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 [according to Kansas and Federal law](#), 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.

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 and 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: Deputy City Administrator, Assistant 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. At any time during a new hire training period, an employee may be terminated by the Department Director or designee with approval from the City Administrator.

**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 16<sup>th</sup> of the month will receive credit for the full month. Employees with start dates on or after the 16<sup>th</sup> 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 1<sup>st</sup> 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 31<sup>st</sup> 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. An employee must obtain approval from their supervisor to take a personal day. A request for the day off may be denied if the requested personal day is at a time that would disrupt the department.

**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 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. 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.
- (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. The City Administrator will grant final approval for all requests.
- (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 3 weeks of paid caregiver leave to provide continual or intermittent care for a spouse, child or parent who due to an acute 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 caregiver 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 may receive a maximum of 3 weeks of paid caregiver leave per acute medical issue. In no case will an employee receive more than 3 weeks of paid caregiver leave within a rolling 12-month period. Approved caregiver leave must be taken within a 60-day period per acute event. Paid caregiver leave may not be used or extended beyond the corresponding approved rolling 12-month FMLA period. 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 form 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 care. The City reserves the right to verify the eligibility of the request. The City Administrator will grant final approval for all requests.

(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 full time employee’s gross salary on a per payroll basis. A vesting schedule is available from the Human Resources Department.
- (b) **Eligibility. Full time** employees who have completed one year of service, are 21 years of age and who have worked more than 1,000 hours during that period, and long-term, part time employees who have

worked more than 500 hours for two consecutive years and who 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) 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 15<sup>th</sup> 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. Hourly non-exempt employees will be compensated for their travel time when the travel occurs during non-working hours.
- (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 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, 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 according to Kansas and Federal law, 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.

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 and including termination.

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Police Department</b>	From:	Dan Madden

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

**RE:** Purchase and installation of automated license plate readers

**RECOMMENDATION:** Enter into an agreement with Electronic Technology, Inc. for the purchase and installation of automated license plate readers at key locations throughout the City of Mission for an amount not to exceed \$147,637.00. Department of Justice appropriations grant funding will cover \$140,000.00 of the cost. With Council approval, \$7,637.00 will be paid out of the Special Law Enforcement Trust Fund.

**DETAILS:** In 2022, a grant application was submitted to fund the purchase and installation of Automated License Plate Readers (ALPR) at key locations in the City of Mission. An award of \$140,000 was approved through the Department of Justice. Since then, staff has worked with vendors, Public Works, and neighboring jurisdictions to coordinate this project.

The placement of ALPR's was determined based on crime data, experience of staff, collaboration with neighboring jurisdictions, and availability of mounting poles and utilities. The proposed locations (see attached map) provide the best opportunities to prevent and reduce crime, as well as research the collected data to solve crimes and other public safety concerns (i.e. missing persons, Silver Alerts, Amber Alerts). Eight of the nine locations shown on the included map will be the sites the City of Mission will own. The Foxridge and Lamar location is being purchased and installed by the Johnson County Sheriff's Office to protect critical County infrastructure in the area. The eight sites this project proposal covers includes the purchase and installation of 22 ALPR cameras. The number of cameras at a location varies due to one camera only covering one direction of travel.

In previous Council discussions regarding this ALPR technology, staff and Council discussed the importance of having sound policies in place, which will be discussed in a future meeting. It is important to remember that this technology takes photos of the rear of vehicles passing by the camera. The only time officers are alerted is if there is an association to the license plate that is in the database. This technology is not used for any type of traffic enforcement or other monitoring.

Staff evaluated multiple vendor proposals for this project. Electronic Technology, Inc. was chosen based off the lowest long-term cost as well as functionality of the system. In addition, Electronic Technology, Inc. is a vendor on the MARC Kansas City Regional Purchasing Cooperative, which is a competitive bid process. Additionally, there was significant cost savings due to the Johnson County Sheriff's Office agreeing to host our data on their ALPR server. A Memorandum of Understanding is in development by the

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

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Police Department</b>	From:	Dan Madden

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

Sheriff's Office for this service.

**CFAA CONSIDERATIONS/IMPACTS:** ALPR technology can have a direct impact on the safety of a community as it relates to crime. In addition to criminal detection and investigation, this technology can also be used to locate persons who may have memory issues and are lost, or otherwise missing.

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



# QUOTE #116

SENT ON:

Jul 05, 2022

**RECIPIENT:**

**Mission Police Department**

6090 Woodson Road  
 Mission, Kansas 66202  
 Customer Name: Mission Police  
 Job Title: Fixed ALPR and Mobile ALPR

5700 Merriam Drive  
 Merriam, Kansas 66203

Phone: (913) 962-8083  
 Email: support@etikc.com  
 Website: www.etikc.com

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
ALPR Web Sharing 2022 License	ALPR Web™ facilitates shared event logs and ALPR tracking through shared systems. Real time filtering and location call outs can log migration through a municipality or jurisdiction over time. The degree of collaboration can be adjusted so that you always remain in control of your data. Quick previews allow for rapid assessment of the filtered chart. This reduces the amount of time needed for visual consideration of the data sets and events. 60-Day trial included.	1	\$4,000.00	\$4,000.00
Site #2 Foxridge & 51st	LPR Readers Northbound, Southbound and Eastbound  Will require use of city light pole M50015	1	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000  Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	3	\$4,100.00	\$12,300.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00





# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
Power Strip		1	\$45.00	\$45.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	7	\$250.00	\$1,750.00
Site #4 Johnson Drive and Broadmore		1	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000  Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	4	\$4,100.00	\$16,400.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	4	\$120.00	\$480.00
Power Strip		1	\$45.00	\$45.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	12	\$250.00	\$3,000.00
RW-5600-0P58	RADWIN SU PRO ODU, with an embedded antenna and connectorized for external antenna (2 x SMA), supporting multi frequency bands at 5.x GHz, factory default 5.8 GHz FCC/IC	1	\$412.00	\$412.00
RW-5PG5-0158	RADWIN MS Int. ODU, with an integrated antenna, supporting multi frequency bands at 5.x GHz, factory default 5.8 GHz FCC/IC	2	\$2,300.00	\$4,600.00
INSTALLATION - TOWER SERVICES	Hourly labor charge for installation of antenna, camera or other electronic device on monopole, self-supporting or guyed tower types. ETI requires two technicians with AUTHORIZED TOWER CLIMBING SAFETY AND RESCUE certification on all tower projects.	8	\$350.00	\$2,800.00



# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
Site #5 Lamar & Johnson Dr	LPR Readers West & North bound	0	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000 Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	2	\$4,100.00	\$8,200.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Power Strip	Power Strip	1	\$45.00	\$45.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	5	\$250.00	\$1,250.00
Site #6 Johnson Drive & Nall	LPR Reader for West, South and East Bound	1	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000 Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	3	\$4,100.00	\$12,300.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00



# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Power Strip	Power Strip	1	\$45.00	\$45.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	5	\$250.00	\$1,250.00
Site #8 Roe & 63rd Street	LPR Readers West & North Bound	1	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000  Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	2	\$4,100.00	\$8,200.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Power Strip	Power Strip	1	\$45.00	\$45.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	5	\$250.00	\$1,250.00



# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
Site #9 Roeland Drive & Shawnee Mission Pkwy	LPR Readers West & North Bound (OGL Location)	0	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000 Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	2	\$4,100.00	\$8,200.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,400.00	\$1,400.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Power Strip	Power Strip	1	\$45.00	\$45.00
Lockable enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	5	\$250.00	\$1,250.00
Site #10 51st & Lamar	LPR Readers Westbound 51st/North and South Lamar	0	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000 Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	3	\$4,100.00	\$12,300.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$650.00	\$650.00



# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Power Strip	Power Strip	1	\$40.00	\$40.00
Lockable Enclosure		1	\$550.00	\$550.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two men and a bucket truck.	7	\$250.00	\$1,750.00
56th and Foxridge	North and South Bound Solar power source	1	\$0.00	\$0.00
Solar Power System	Will power (2) LPR cameras Includes Pole Includes freight to ETI NEEDED 4 X 4 Concrete PAD	1	\$5,675.00	\$5,675.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000  Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	2	\$4,100.00	\$8,200.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	2	\$120.00	\$240.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Cradlepoint TB5-650C150M-N0N	Cradlepoint TB5-650C150M-N0N 4G LTE Cat 4 with 3G Fallback Router. 5-yr NetCloud IoT Essentials Plan and IBR650C router without Wi-Fi (150 Mbps modem), North America.	1	\$625.00	\$625.00
Lockable Enclosure	Mount and assembly	1	\$600.00	\$600.00
PROFESSIONAL INSTALLATION	Hourly labor charge for cable & hardware installation.	15	\$100.00	\$1,500.00



# QUOTE #116

SENT ON:

Jul 05, 2022

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT PRICE	TOTAL
61st and Metcalf	East Bound	1	\$0.00	\$0.00
GENETEC SharpV 850nm License Plate Reader (Black)	AU-K-V-BS850-LC-000  Black AutoVu™ SharpV Camera Kit which includes: SharpV Dual motorized lenses (LPR and Context) with 850nm illuminator, mounting bracket and Sharp Camera Connection (24Vdc or PoE++ 802.3bt Type 3 required).	1	\$4,100.00	\$4,100.00
Transtector TSJ 10/100	Data Surge Protector SPD TSJ Indoor 10/100 Base-T Ethernet Shielded RJ45 GDT, TBU, UL 497B	1	\$120.00	\$120.00
Transition Networks SISPM1040-582-LRT (power supply included)	Managed Hardened Gigabit Ethernet PoE++ Switch (8) 10/100/1000Base-T PoE++ Ports + (2) 100/1000Base-X SFP Slots	1	\$1,450.00	\$1,450.00
Power Strip	Power Strip	1	\$40.00	\$40.00
Lockable enclosure		1	\$550.00	\$550.00
INSTALLATION - BUCKET TRUCK REQUIRED	Hourly labor charge for hardware installation requiring two operators and a bucket truck. OSHA Standard 29 CFR1910.269(l)(1)(i)	3	\$265.00	\$795.00
Photocell Power Tap	120 V Photocell Power Adapter Tap for Streetlight	1	\$125.00	\$125.00

**Total** **\$147,637.00**

Needed 4 x \$ Concrete PAD to mount solar panel and LPR readers pole on at 56th & Foxridge site. ETI can provide at extra cost if needed.

- NET 30 Terms.
- Quote valid for 30 days.
- Prices do not include applicable taxes or shipping charges.
- Prices may change without notice after expiry of quote.
- Prices are subject to change if items are purchased separately.
- A 3% charge will be added to all transactions if paid by credit card.



## QUOTE #116

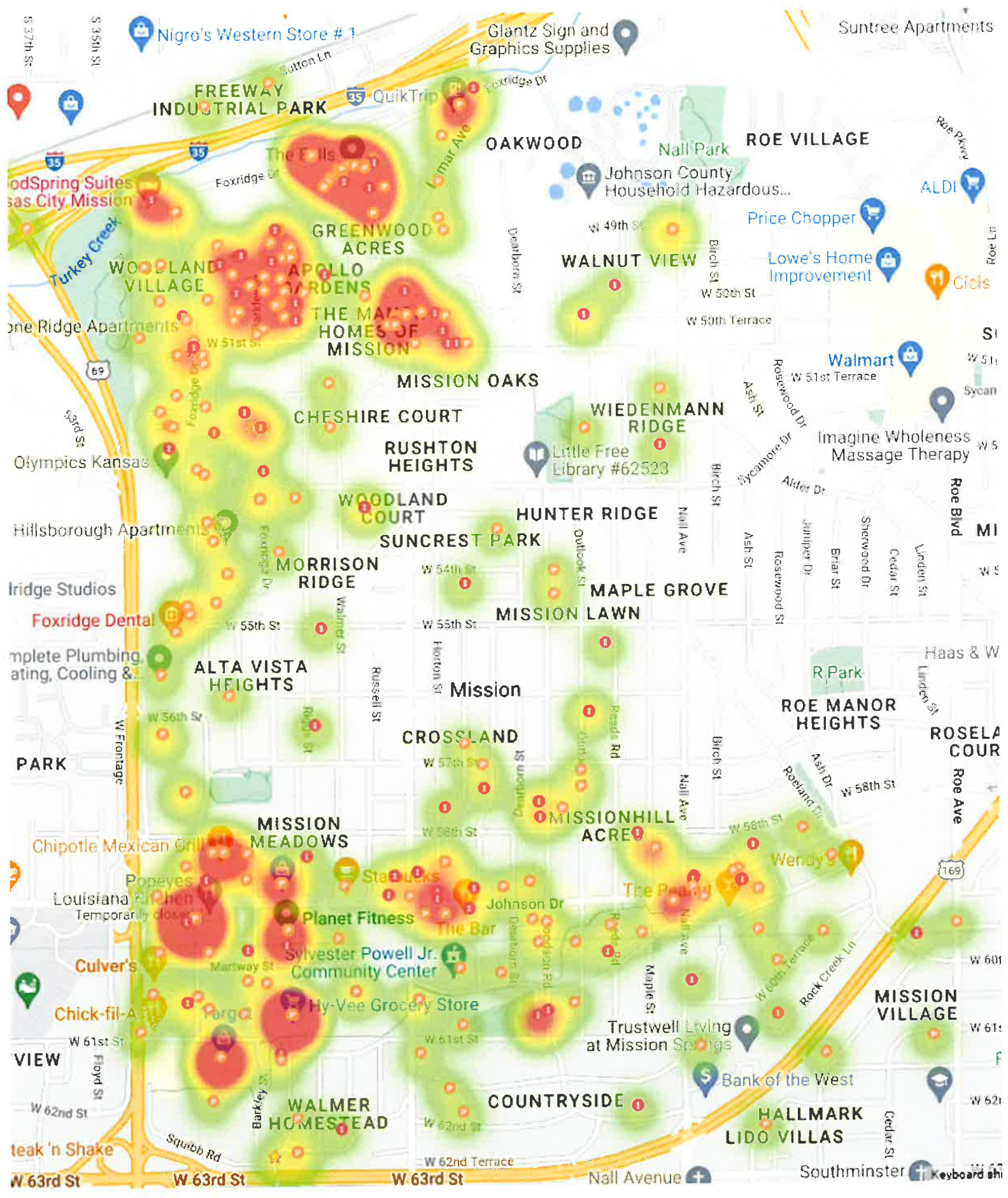
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SENT ON:

Jul 05, 2022

Notes Continued...

Signature: \_\_\_\_\_ Date: \_\_\_\_\_







<b>City of Mission</b>	Item Number:	9.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration/Police Department</b>	From:	Laura Smith/Dan Madden

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

**RE:** Classification and Compensation Recommendations – Mission Police Department

**RECOMMENDATION:** Review and approve one-time adjustments to compensation for commissioned police staff in order to address on-going issues of recruitment and retention.

**DETAILS:** At various points over the last several years, we have shared with Council the challenges faced by the Police Department in recruiting and retaining qualified, competent sworn law enforcement officers. While admittedly a challenge nationwide, the difficulties for smaller departments like Mission continue to increase as agencies (both public and private) in the metropolitan area are leap-frogging over one another to increase compensation in an effort to both attract and retain officers.

The Council has consistently demonstrated a willingness to make employee recruitment and retention a high priority, making significant investments in classification and compensation adjustments City-wide in 2017, 2021, and most recently with the 2022 merit increases. This has allowed us to remain competitive when hiring across all departments, and has been appreciated by employees.

A number of factors influencing the law enforcement profession specifically have led us to a situation where we need once again to address compensation for the Police Department. The City Administrator and Police Chief have been working together for several months to understand the competition and to try and develop recommendations which are both meaningful and sustainable into the future.

As a smaller entity, we will always be at a disadvantage when competing against larger cities with respect not only to financial resources, but also specialized training or assignments and the opportunity for promotion and professional growth. The Department should be commended for their efforts over the years to create an environment that offered “perks” other than just money in order to attract and retain staff. This has included a relaxation of the policy regarding visible tattoos and facial hair, a transition to external ballistic vests, and implementation of varying work shifts, among other things. This has served us well for many years, but as many other Departments now have followed suit, the attention shifts to compensation as employees (current and prospective) weigh their options.

For example, in the most recent recruitment process, there was only one qualified applicant to be considered. That candidate was also in process with another agency

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Various Personnel line items in Police Department
Available Budget:	TBD

<b>City of Mission</b>	Item Number:	9.
<b>ACTION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration/Police Department</b>	From:	Laura Smith/Dan Madden

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

who was able to offer a starting salary approximately \$10,000 higher than Mission's. Additionally, the competition and recruitment for seasoned personnel is particularly troublesome with opportunities to make as much as \$20,000-25,000 more for a lateral move. When we are talking about salary differences of this magnitude, we cannot expect to either recruit or retain officers based simply on other organizational or cultural benefits, and we must understand when our officers seriously consider the difference in earning potential.

While we cannot expect to retain every officer or have a long waitlist for potential new hires, both the Chief and City Administrator are gravely concerned about the ability to continue to deliver the quality of police services our residents expect and deserve. This concern is balanced with the reality that revenues and resources are finite and any recommendations made for personnel related expenses are on-going and should be expected to grow exponentially. Specific recommendations and funding strategies are still being refined and reviewed and will be uploaded to the packet on Monday.

The most immediate situation does exist in the Police Department, but once a solution can be recommended for commissioned staff, it will be important to review the City's overall classification and compensation structure, especially for the Public Works field staff.

We will look forward to a healthy and honest discussion of our options during next week's Committee meetings. Following the presentation next week, the Chief and City Administrator will schedule meetings with Department staff to review and discuss recommendations and any Council feedback.

**CFAA CONSIDERATIONS/IMPACTS:** Continually evaluating and maintaining a competitive, sustainable classification and compensation system for City employees allows for high quality services to be delivered without interruption for residents and visitors of all ages and abilities.

Related Statute/City Ordinance:	NA
Line Item Code/Description:	Various Personnel line items in Police Department
Available Budget:	TBD

# Classification and Compensation Issues

Mission Police Department – April 12, 2023

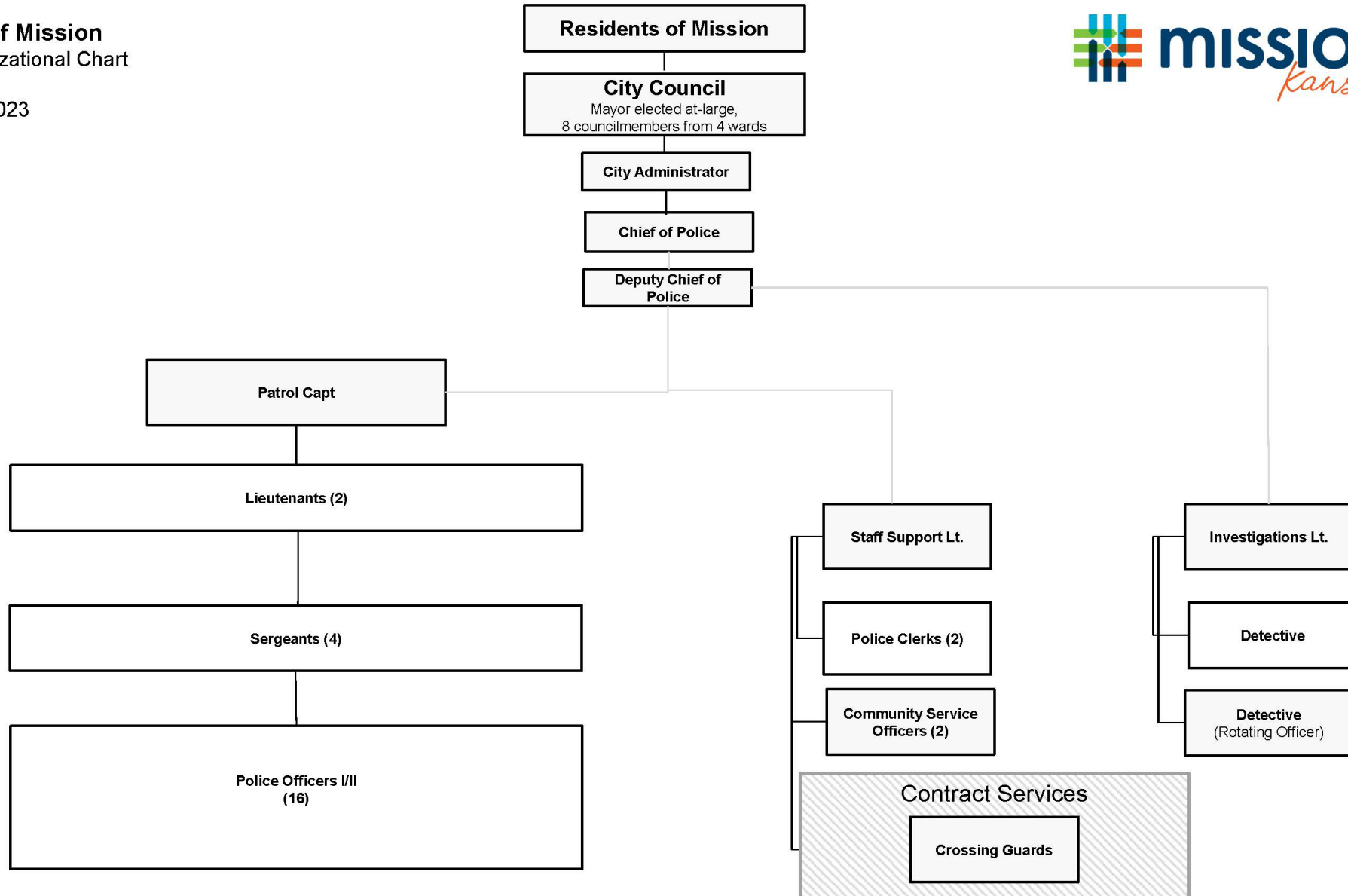


# What are the challenges?

- Fewer applicants for every law enforcement position
- Increased competition among area agencies for officers
- Continual cycle of salary studies and adjustments to employee compensation, particularly for public safety
- Long term sustainability of significant investments in personnel



**City of Mission**  
 Organizational Chart  
 Police  
 April 2023



# How do we compare with other agencies?

<u>Agency</u>	<u>Starting Pay (no experience)</u>
KU Medical Center Police Department	\$60,050.00
Johnson County Sheriff's Office	\$59,280.00
Johnson County Park Police	\$59,280.00
Gardner KS Police Department	\$59,280.00
Blue Valley School District Police	\$57,000.00
Prairie Village Police Department	\$56,871.00
Olathe KS Police Department	\$56,400.00
Shawnee KS Police Department	\$55,000.00
Roeland Park Police Department	\$54,080.00
overland Park Police Department	\$54,000.00
Gladstone Missouri Police Department	\$54,000.00
Leawood KS Police Department	\$53,040.00
Kansas Highway Patrol	\$52,104.00
Sedgwick County Sheriff's Office	\$51,935.00
Merriam KS Police Department	\$51,147.00
Lenexa KS Police Department	\$51,116.00
Kansas City Missouri Police Department	\$50,244.00
Wyandotte County Sheriff's Office	\$50,003.00
Spring Hill Police Department	\$49,719.00
KCK Public School District Police Dept.	\$49,628.00
Raymore Missouri Police Department	\$48,609.00
Kansas City Kansas Police Department	\$48,555.00
Mission Kansas Police Department	\$48,314.00
Lawrence Kansas Police	\$48,297.00
Basehor Kansas Police Department	\$47,315.00
Johnson County Community College PD	\$45,676.80

# Recommendations and Anticipated Fiscal Impact

- Transition from current step plan to new salary grades in City's overall compensation structure for all sworn personnel
- Update starting pay for Police Officer I to \$54,000
- Implement salary increases ranging from 6-12% for all hourly sworn personnel effective May 2023 (in lieu of merit increase November 2023)
- Salaried employees (3) would receive merit increase on regular annual schedule
- Anticipated 2023 budget impact of ~\$195,000





# How do we pay for it?

- Department Personnel savings due to anticipated retirement and eliminating position
- 2023 merit increase already included in the budget
- Portion of employee retention/recruitment funds allocated during 2023 Budget process (60% of total)
- Health insurance savings city-wide



# Next Steps

- Finalize new Police Department Salary Ranges for April 19 City Council Meeting
- Conduct Department Meetings to review and discuss Council action
- Implement any approved changes effective with the May 12, 2023 payroll
- Review and evaluate internal equity considerations for other operating departments and bring forward additional recommendations as necessary
- Evaluate and discuss options for the future related to long-term fiscal sustainability



# Questions/Discussion?

<b>City of Mission</b>	Item Number:	11.
<b>DISCUSSION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

**RE:** Regulations for Tobacco and Electronic Cigaretter Retailers

**DETAILS:** Since October 2022, the Council has been discussing issues related to Mission’s zoning code regulations for retailers selling tobacco, electronic cigarettes, or electronic cigarette paraphernalia. Most recently the issue was discussed during the February 1 Finance & Administration Committee meeting where additional direction was given to staff to continue to research options and alternatives to bring back to the Council.

In addition, recognizing the Council’s interest in a thorough review and evaluation of Mission’s regulations for establishments selling tobacco, electronic cigarettes, or electronic cigarette paraphernalia staff recommended a temporary moratorium (150 days) on the issuance of new business licenses for establishments selling the same. This provides time for the Council to appropriately continue to study and discuss the issue, and ensures time for any contemplated changes to the zoning regulations to be heard and considered. No application for a new business license for such establishment will be considered or processed until the expiration of the Temporary Moratorium Period on August 21, 2023. There are currently no pending business license applications for tobacco or e-cigarette retailers.

Council will recall that the City does not have a role in licensing tobacco retailers. If retail tobacco licenses are issued by the State, and there are currently nine (9) licensed tobacco retail outlets:

- BP Gas Station (5500 Johnson Drive)
- Casey’s (5800 Johnson Drive)
- CBD Amercian Shaman (6027 Metcalf, Ste B)
- Crown Liquor & Tobacco (5044 Lamar)
- Dollar General (5312 Martway)
- Hy-Vee (6655 Martway – main store)
- Hy-Vee (6645 Martway – gas station)
- Grand Liquor (5410 Johnson Drive)
- Quiktrip (4700 Lamar)

Each of the licensed retailers sells a combination of tobacco and electronic cigarette

Related Statute/City Ordinance:	Chapter 405 Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA

<b>City of Mission</b>	Item Number:	11.
<b>DISCUSSION ITEM SUMMARY</b>	Date:	April 12, 2023
<b>Administration</b>	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

products. Under Mission’s current zoning code, tobacco shops, including any stand-alone vape shops are allowed in MS-1, MS-2 and C1 districts. During the February Committee meeting Staff presented maps detailing the current location of licensed tobacco retailers along with a 250’ buffer for any church, school or other place where youth might gather. Staff was directed to include all current parks in a revised map and to demonstrate both the 250’ and a 500’ buffer from not only these specific gathering places, but also between current tobacco retailers.

Maps will be available prior to the Committee meeting and Staff will be seeking consensus and direction regarding a recommendation to be prepared for public hearing in front of the Planning Commission (required for zoning code changes) and then brought back to the City Council for final consideration and adoption. If recommended changes are desired for tobacco and electronic cigarette retailers, all with an existing license would be grandfathered under new zoning regulations.

**CFAA IMPACTS/CONSIDERATIONS:** The Communities for All Ages program suggests that residents are interested in healthy, vibrant communities. This is often related to walkable communities, but applies to all aspects of integrating health into planning and development policy. Discussing policies and regulations such as this can signal to residents a community’s willingness to review and consider all aspects of building a healthy and resilient community for residents of all ages.

Related Statute/City Ordinance:	Chapter 405 Mission Municipal Code
Line Item Code/Description:	NA
Available Budget:	NA