

## EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the City of Valley Park, and I understand that I should consult the Human Resources Director or my Department Head regarding any questions not answered in the handbook.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Mayor and the Board of Aldermen of the City of Valley Park have the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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EMPLOYEE'S SIGNATURE

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DATE

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EMPLOYEE'S NAME TYPED OR PRINTED

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

\*\*\*\*\*

AN ORDINANCE REPEALING THE CURRENT PERSONNEL POLICY AND ADOPTING  
A NEW PERSONNEL MANUAL SETTING FORTH THE PERSONNEL POLICIES AND  
PRACTICES OF THE CITY OF VALLEY PARK, MO

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Whereas, the Board of Aldermen of the City of Valley Park, Missouri, desire to revise the personnel manual of the City of Valley Park and utilize the handbook hereto as Exhibit A as the policy and practice for the hiring, discharge, discipline, vacation, evaluation and appeals pertaining to all Valley Park personnel, excepting certain offices set forth therein;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VALLEY PARK, MISSOURI AS FOLLOWS:

**Section One**

The current Employee Handbook is hereby repealed and a new version shall be enacted.

**Section Two**

The policies and procedures of the City of Valley Park, Missouri, to all employees, except as to certain officers delineated therein, shall be as stated in the Employee Handbook which shall be on file in the offices of the Clerk of the City of Valley Park, Missouri.

**Section Three**

This Ordinance shall become effective from and after its passage and upon approval by the Mayor.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Michael A. Pennise—Mayor

ATTEST:

\_\_\_\_\_  
Marguerite Wilburn—City Clerk

## Chapter 1

### POLICIES AND PROCEDURES ESTABLISHED

Article I.	Definitions
Article II.	Overview
Article III.	Equal Employment Opportunity (EEO)
Article IV.	Americans With Disabilities Act (ADA)
Article V.	Personnel Records

### ARTICLE I. DEFINITIONS

#### Section 1-1 General Terms

This Section contains terms of a general nature which apply to the entire document unless subsequent chapters provide specific definitions unique to that chapter.

At-Will Employee/Employment: The City can terminate an **employee** at any time for any reason, except an illegal one, or for no reason without incurring legal liability. Likewise, an **employee** is free to leave City employment at any time for any or no reason with no adverse legal consequences.

Break in Service: For part-time employees, not being scheduled to work for sixty (60) or more days, unless on a City-paid vacation leave or other formally approved leave of absence.

CDL: Commercial Driver's License required for every employee who drives a commercial motor vehicle for the City.

Chain of Command: An employee's direct supervisor, then his supervisor's supervisor, the Department Head, **up to the City Administrator.**

Change of Status: Any change to his position or his salary through promotion or demotion, by being transferred, or by having his position reclassified or reggraded.

City: When capitalized, refers to the municipal organization of the City of Valley Park, Missouri.

City Administrator: the chief administrative assistant to the mayor and who shall have general superintending control of the administration and management of the government business, officers and employees of the city, subject to the direction and supervision of the mayor.

COBRA: The Consolidated Omnibus Budget Reconciliation Act, which allows eligible employees to purchase health insurance coverage for a specified period of time following their separation of service from the City.

**Contract of Employment:** A written agreement specifying terms and conditions under which a person consents to perform certain duties as directed and controlled by the City in return for an agreed upon wage or salary and benefits.

**Demotion:** An employee voluntarily or involuntarily changes to a different position that is in a lower salary range.

**Department:** A major functional unit of City government. The City's current Departments include: Public Works, Parks & Recreation and Community Development.

**Department Head:** The chief administrator and supervisor of a department, or the individual designated to act in place of the Department Head when the Department Head is absent.

**Disciplinary Action:** An action designated to modify or correct the actions or conduct of an employee for any violation of the Personnel Policies and Procedures or department policies and procedures; failure to exhibit expected work behavior; poor performance; or any other conduct deemed inappropriate or against the interests of the City. Discipline may include, but is not limited to, counseling, verbal warnings, written reprimands, special probation, suspension, disciplinary demotion, and termination.

**Emergency:** A sudden and unforeseen event that requires the unscheduled services of an employee to protect the health, safety, property, or welfare of the community.

**Emergency Call-In:** When an emergency occurs any necessary employee who is charged with protecting the health, safety, property, or welfare of the community may be called in for duty.

**Exempt Position:** A position that meets the criteria set forth in the Fair Labor Standards Act as being an executive, administrative, or professional position. These are generally positions in which the primary work relates to the management of an organization or its policies, or positions that require knowledge of an advanced type in a field of science or learning, or artistic work.

**He/She/They:** When the masculine pronoun is used in these policies, it also means the feminine; likewise, when a plural pronoun is used, it also means the singular.

**Human Resources Director:** Unless otherwise provided by ordinance, the Human Resources Director shall be the City Administrator.

**Immediate Family:** An employee's mother, father, legal guardian, siblings, spouse, children, grandparents, grandchildren, and respective step relatives and in-laws.

**Incumbent:** A person who currently occupies/fills a specific position.

**Internal Applicant:** A current City employee who applies for another position with the City. This does not include those individuals working in a temporary placement through an agency. When a position is just posted internally, only current City employees may apply.

Issue of Concern: Any employee concern relating to interpretation of the City's policies or procedures, department policies or procedures, working conditions, relationship with co-workers or supervisors, or the application of other laws and ordinances. This does not include performance evaluations or issues related to disciplinary action.

Layoff: Separation of an employee from City employment, made necessary by the lack of funds or work, the termination of a program, or other reasons not related to fault, delinquency, or misconduct of the employee. Separation of seasonal or temporary positions is not considered a layoff.

Leave: A period of absence from work.

May: Is permissive; however, the words "no person may" means that no person is required, authorized, or permitted to do the act referenced.

Military Pay: All compensation received by an employee for active service in the military, including military base pay, hazardous duty pay and hostile fire pay, but excluding family separation pay, and subsidies for expenses incurred such as uniform allowance, food and housing.

Non-Exempt Position: A position that does not meet the criteria to be exempt from the overtime provisions of the Fair Labor Standards Act.

Performance Trial Period: A specified length of time for the supervisor to examine a newly hired, promoted, or transferred employee's work habits, skills, attitude, and competence for successful job performance.

Promotion: An employee changes to a position that is at a higher salary range than the current position held by that employee.

Resignation: Separation of an employee from employment with the City, initiated by the employee.

Separation: A resignation, retirement, layoff, or termination.

Shall: Is imperative.

Supervisor: A person working in a position that is responsible for the work activities of an employee or a group of employees.

Termination: Severance of a person's employment with the City, at the initiation of the City.

Titles: When a specific position title is referenced any place in this policy, it shall also mean the person acting with authority in that position.

Vacancy: A position without an incumbent.

Will: Is imperative.

Workday: The normally scheduled work period within one twenty-four (24) hour period for a specific position. Workdays are established by the Human Resources Director, Department Heads, and supervisors and will vary based on position responsibilities.

## Section 1-2 Position Types

- A. Full Time: For employees hired after September 1<sup>st</sup>, 2016, full-time is defined as a position regularly scheduled for year-round employment that includes forty (40) hours in a standard workweek of seven (7) days. For employees hired before September 1<sup>st</sup>, 2016, full-time is defined as a position regularly scheduled for year-round employment with a minimum of thirty-two (32) hours in a standard workweek of seven (7) days.
- B. Part Time: For employees hired after September 1<sup>st</sup>, 2016, part-time is defined as a position regularly scheduled for year-round employment for which the duties and responsibilities require the employee to work a schedule of less than forty (40) hours per week, on average. For employees hired before September 1<sup>st</sup>, 2016, part-time is defined as a position regularly scheduled for year-round employment for which the duties and responsibilities require the employee to work a schedule of less than thirty-two (32) hours per week, on average.
- C. Temporary/Seasonal: A position that is scheduled to fill job requirements that occur intermittently for a program or a project, or during certain times of the year. The anticipated length of employment is under a year and the anticipated date of separation is generally known prior to commencement of employment. During the period of employment, hours of work may vary according to job requirements. Due to federal and state laws and the City's needs, different policies and procedures exist for each type of position. Throughout this document, policies and procedures for each position type will be clarified. Where not specifically stated, these policies and procedures apply to all types of positions.
- D. **City Administrator: Oversees the operation of a municipality pursuant to a written job description and carries out the decisions of the city council and the mayor. This position is an exempt position and may be governed by an employment contract. When the contract conflicts with any provision of this employee manual, the provisions of the contract shall take precedence.**

## Section 1-3 Elected Officials/Boards

Elected officials include the Mayor and the other members of the Board of Aldermen. Elected positions are not subject to the City Personnel Policies and Procedures. Their election to office, conduct on the job, compensation, separation and removal are determined by the City Code of Ordinances and other applicable local state and federal laws.

# ARTICLE II. OVERVIEW

## Section 1-4 Application of Policies

The responsibility to establish rules and procedures with regard to City employment lies solely with the Mayor and the Board of Aldermen of the City of Valley Park, Missouri.

The ~~Mayor~~ **City Administrator** of the City of Valley Park is the Chief Executive Officer and is responsible for the overall operations of the City. **Unless otherwise designated by ordinance, the City Administrator shall serve as the Human Resources Director.** For a Department Head Vacancy, the Human Resources Director is responsible for interviewing candidates and making a recommendation to the ~~Mayor~~ **City Administrator**. The Mayor is responsible for the appointment of all Department Heads subject to the approval of the Board of Aldermen. All employee actions taken by the ~~Mayor~~ **City Administrator** are subject to the approval of the Board of Aldermen.

The ~~Mayor and Board of Aldermen constitute the body that~~ **City Administrator** sets the employment policies and procedures for the City of Valley Park. The ~~Mayor and Board of Aldermen~~ **City Administrator** shall exercise control over personnel issues through their powers to review, set and approve all policies and procedures set forth in this manual. With regard to non-department head hires, the ~~Mayor, Department Heads and Human Resource Director~~ **City Administrator** may make recommendations to the Board of Aldermen. The Board of Aldermen then conducts a review of the recommendation and approves or disapproves all applicants for employment recommended to them by the ~~Mayor, Department Head and Human Resource Director~~ **City Administrator** before employment commences.

The ~~Mayor, Human Resources Director,~~ **City Administrator** and Department Heads are responsible for administering the rules and regulations as set forth in this Personnel Manual. The **City Administrator and** Human Resources Director shall have the day-to-day responsibilities of administering the rules and regulations as set forth in this Personnel Manual. The **City Administrator and** Human Resources Director shall interpret the rules set forth herein and, from time to time, shall recommend to the Mayor and the Board of Aldermen necessary amendments in order to maintain a fair and equitable system of personnel rules and regulations.

## Section 1-5 Department Policies and Procedures

When warranted, departments are encouraged to develop more detailed policies and procedures that address those areas specific to their responsibilities. Departmental policies and procedures shall not conflict in any way with the City Personnel Policies and Procedures but may be more restrictive based on department needs and job requirements. Department policies and procedures will be made available to all department employees and shall have the force and effect of rules of that department. Disciplinary action may be based upon breach of such departmental policies or procedures.

## Section 1-6 Employment Relationship

**Except for the position of City Administrator, nothing in this document is intended to create or constitute an express or implied employment contract, nor is anything in the document intended to create or give rise to a property right or interest. All employees except the City Administrator are defined as ‘at-will employees.’ They are** employed at the will of the City and may be terminated at any time with or without cause or notice, except as provided by federal, state, or local law. **Except as it relates to the City Administrator position, nothing in this document is intended to create an employment relationship of any definite duration, nor shall adherence to the policies and procedures by the City, or anything else contained in the document, be interpreted or construed as a waiver or modification of an employee’s “at will” status. This document takes precedence over any communication or representation made to any employee by a supervisor or other agent of the City.**

No entity or individual other than the Board of Aldermen and Mayor as a collective unit is authorized to enter into any agreement, oral or written, contrary to the policies and procedures contained herein.

#### Section 1-7 Policy Amendments.

These Personnel Policies and Procedures supersede and replace any previous version of the Personnel Policies and Procedures and any prior employee handbook, application, memoranda or materials provided regarding the subjects herein. Inasmuch as the policies and procedures contained herein are guides only, the Board of Aldermen and Mayor reserve the right to interpret, amend, modify, cancel or withdraw any or all sections or provisions of the document at any time with or without notice.

#### Section 1-8 Applicability

The rules and regulations set forth in this Personnel Manual along with the City of Valley Park's Policies and Procedures shall be applicable to all employees of the City except for the following positions:

- Elected Officials
- Appointed Members of Citizen Commissions and Committees
- City Attorney
- Municipal Judge
- Bailiff
- Prosecuting Attorney

#### Section 1-9 Appointing Authority

In the event of a vacancy in the City Administrator position the Mayor, upon recommendation by the Board of Aldermen, shall be the authority that appoints all employees for the City. In addition to the authority set forth in Section 8-3 of this manual, the Board of Aldermen shall have authority to dismiss, reduce pay, discipline, suspend without pay or take any other disciplinary action as set forth in this Personnel Manual.

### ARTICLE III. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

#### Section 1-10 EEO Policy Statement

It is the policy of the City of Valley Park not to discriminate against any employee or applicant for employment because of race, color, national origin or ancestry, religion or creed, gender, age, disability, genetic information, veteran status, or other legally protected statuses. This policy extends to all stages of the employment process, including but not limited to:

- recruiting or advertising for employment;
- evaluating skills, education, and experience of applicants;
- establishing rates of pay and terms, conditions, and privilege of employment (including fringe benefits and training opportunities); and
- hiring, promoting, upgrading, demoting, transferring, laying off, and terminating employees.



All City programs shall also be offered in a nondiscriminatory manner.

## Section 1-11 EEO Complaints

Prohibited discrimination by any employee of the City will not be tolerated. For job applicants, any alleged incidents of prohibited discrimination should be immediately reported to the Director of Human Resources. For employees, any alleged discrimination should be immediately reported to the employee's supervisor or to any person in the employee's chain of command. Every effort will be made to promptly investigate all allegations of illegal discrimination in as sensitive a manner as possible and to take appropriate corrective action as warranted.

Any employee who is determined, after investigation, to have engaged in illegal discrimination in violation of this policy, will be subject to disciplinary action, up to and including termination.

## ARTICLE IV. AMERICANS WITH DISABILITIES ACT (ADA)

### Section 1-12 ADA Policy Statement

The City will provide reasonable accommodation for qualified persons with disabilities who are employees, or applicants for employment, and who can perform the essential functions of the job with or without accommodations, in compliance with the Americans With Disabilities Act (ADA) and all applicable federal, state, and local laws.

If an employee becomes disabled but wishes to continue his current employment and needs a reasonable accommodation, the employee shall notify his supervisor who will work with the employee and the Director of Human Resources to determine if a reasonable accommodation can be made.

The same process outlined in Section 1-11 should be followed regarding any perceived violations of the ADA.

## ARTICLE V. PERSONNEL RECORDS

### Section 1-13 Personnel Records Maintained

A. The Human Resources Director and City Clerk shall maintain the official personnel files and records as the Board of Aldermen, Mayor and City Administrator deem necessary or appropriate. Pursuant to Section 610.021 (3) and (13), RSMo., all personnel records are closed to the extent permitted by Missouri law.

1. All employees shall have a primary personnel file and a restricted file.
  - a. The primary personnel file shall contain only documents relevant to the individual's employment with the City, such as application information, salary information, regular performance evaluations, certificates of City provided training, disciplinary action, and letters of commendation. All letters of commendation shall be approved by the employee's Department Head prior to being placed in the file.
  - b. The restricted file shall contain medical information including documentation of the employee's employment physical, certificates from health care providers related to

absences from work, benefit enrollment forms, and any other medical information required by various state and federal regulations. The restricted file shall also contain documentation of the employee's drug screen results.

2. Access to Personnel files.

- a. An employee's primary personnel file and the information therein shall be accessible only to the employee while actively employed, the employee's immediate supervisor(s), the employee's Department Head, **the City Administrator**, the Board of Aldermen and Mayor, and the Human Resources Director.
- b. If an employee applies for another position in a different department, that Department Head will be granted access to the employee's primary personnel file.
- c. The Human Resources Director may also provide access to the primary personnel file to hiring agencies requiring a security clearance, upon receipt of a written request and release signed by the employee. This shall be the option of the City.
- d. An employee's restricted file and the information contained therein shall only be accessible for reasons of pre-employment testing, or assisting with treatment, payment of health care bills, or other health care related administrative functions. An employee wishing to access their own restricted personnel files should contact the Human Resources Director.
- e. Access beyond these reasons shall only be allowed by authorization from the **City Administrator**, Board of Aldermen and Mayor, or as permitted by law.
- f. An employee's primary personnel and restricted file may not be removed unless approved by the Board of Aldermen and Mayor.

3. 1-9 forms and payroll records for all employees will be kept in separate files. The Human Resources Director will grant access to these forms only to individuals with an official need to know.

- B. **The City Administrator**, Department Heads or supervisors may maintain a work history file for each employee containing documentation of disciplinary action, departmental information, and other personnel information. However, the employee's primary personnel file retained by the Human Resources Director will be considered the employee's official file.
- C. The City may retain additional restricted personnel files which may be treated as closed records under the law.

## Section 1-14 Employment Verification/References

Employment references confirming employment dates, position title, and salary may be given to the Human Resources Director over the telephone. No other reemployment information will be given by the Human Resources Director without a written request and a signed release from the employee, and then only at the option of the City. Departments should refer all employment verification and reference calls to the Human Resources Director.

## Chapter 2

### POSITION VACANCIES, RECRUITMENT, AND SELECTION

- Article I. Vacancies
- Article II. Recruitment
- Article III. Final Candidate Selection
- Article IV. Hiring

#### ARTICLE I. VACANCIES

##### Section 2-1 Position Vacancies

- A. All positions are created through the annual budget process of the City, or by the authorization of the Board of Aldermen and Mayor.
- B. A position is vacant when the incumbent has resigned or been terminated from the position, or the position is newly created. There may be occasions where it is in the best interest of the City to fill a position just prior to the time that the incumbent leaves so that the incumbent can assist in training the new employee. All such instances shall be approved by the appropriate Department Head and the Human Resources Director.
- C. Positions will be filled internally by promotion, transfer, or demotion, or by hiring from outside the organization.

##### Section 2-2 Determining Pay for Positions

Salary grades for all positions are established through the position classification system as outlined in Chapter 4—Compensation.

##### Section 2-3 Personnel Requisitions

- A. In order to initiate the recruitment process when a vacancy occurs, the supervisor shall complete a Personnel Requisition Worksheet including the job title, salary range, hours of work, funding source, and other pertinent information to facilitate recruitment for the position. The worksheet must be approved by the Department Head prior to forwarding it to the **City Administrator and Human Resources Director**.
- B. The **City Administrator and Human Resources Director** will assist the department with the development of a recruitment plan including determination of a hiring timetable, recruiting sources appropriate to the position, testing and other evaluation procedures to be used in the selection process.

#### ARTICLE II. RECRUITMENT

##### Section 2-4 Methods of Recruitment

The Human Resources Director will coordinate the recruitment process with the affected department. A variety of recruitment methods may be used to obtain qualified applicants to fill vacant positions. Recruitment methods may include, but are not limited to:

- Posted announcements on the City's web site and department bulletin boards;
- Publications in community newspapers;
- Posted announcements on community bulletin boards'
- Use of area employment offices and recruitment agencies;
- Use of universities and colleges; and
- Publications in professional association newsletters/journals.

## Section 2-5 Internal Promotions/Transfers

A. When appropriate, current employees shall be considered for promotion/transfer to vacant positions. The relevant Department Head may determine that a vacancy provides a logical promotional opportunity, thereby making the position available only to current employees. When a position is only open internally, announcements of the vacant position will be posted on department bulletin boards and announcements will be made at department meetings.

B. If the position is strictly a career promotion and prior experience in a particular position is required, the position opening may only be posted in the relevant department, and the promotional process shall be handled by the department management.

C. Positions posted internally shall only remain open a minimum of one (1) week.

D. Employees wishing to be considered for a promotional opportunity/transfer must complete the application process specified in the job posting by the published closing date and time, as well as all other required testing procedures.

E. A supervisor may choose to advertise any position outside the organization if he feels that it is in the best interest of the City to make a selection from a wider array of candidates. Current employees wishing to be considered for such an opportunity will be given appropriate consideration based on their experience and job performance.

F. All promotions to a position must be approved by the Board of Aldermen. Promotions for all positions may be rescinded by the Board of Aldermen at any time during the probationary period. The Mayor may rescind all other promotions at any time. At that time, the employee shall revert to the previously held position or similar classification, provided such position is vacant and authorized. If such position is not available, the employee may request in writing to the Human Resources Director, to be placed on priority reemployment or transfer lists for positions for which they are qualified. Such reversions shall not be a grievable matter.

## Section 2-6 Applications for All Other Positions

A. Positions posted externally shall remain open a minimum of two (2) weeks.

B. Individuals applying for positions posted externally, including current employees, must complete the City's employment application. A cover letter and resume may be submitted in lieu of

an employment application if specified in the City's job announcement. All applications must be received by the City's Human Resources Director by the published closing date and time to be eligible for consideration.

C. Applications will not be accepted for any position for which a current vacancy does not exist except as provided in 2-1.B.

D. Applications will be retained in an inactive file prior to disposal for the period of time prescribed by applicable legislation.

### Section 2-7 Re-employment

Former employees with a satisfactory service record may be considered for reemployment for any position. Former employees will be considered as an external applicant and must compete through the process specified in Section 2-6 above.

### Section 2-8 Applicant Screening

A. All applications received by the published closing date and time will be initially screened by the department to determine whether the applicant's qualifications meet the basic requirements for the position.

B. Based on the process, the department will identify the top applicants to undergo additional screening. Additional screening will be undertaken to determine how well an applicant's abilities and qualifications meet all of the specific requirements of the position and the needs of the City. These additional screening processes will evaluate such factors as background, knowledge, education, professional certifications, previous experience and aptitude. Depending on the type of position, this screening process may include, but not be limited to, any or all of the following:

1. written tests or questions;
2. assessment center;
3. oral interviews;
4. reference checks;
5. driver's license check;
6. background investigation, including police record check and financial record check; and
7. other methods which assist in evaluating an applicant's abilities and qualifications.

C. Applicants will be required to sign the City's Release of Information form to allow the Human Resources Director or the department to conduct a complete background check, including, but not limited to contacting former employers and references provided by the applicants, and conducting a criminal background check and review of driving record.

D. The department conducting the screening process shall maintain and forward copies to the Human Resources Director of written documentation of screening tools utilized and corresponding.

E. Chapter 2, Article III contains additional screening processes required for final candidates.

F. All screening tool results remain the sole property of the City and shall only be released at the direction of the Board of Alderman and the Mayor.

## Section 2-9 Disqualification of Applicants

Applicants may be disqualified from consideration for appointment to a position for several reasons including, but not limited to:

1. The individual does not meet the requirements established for the position.
2. The individual cannot, with or without reasonable accommodation, perform the essential functions of the job.
3. The individual has a criminal conviction record that is negatively related to the position for which the person has applied.
4. The individual has a poor work record or has had previous unsatisfactory employment with the City.
5. The individual has an unfavorable interview or receives an unfavorable reference check.
6. The individual has falsified information on his application form or made misleading statements during the interview process.
7. The individual has failed to submit an application correctly or has failed to submit all required application materials prior to the published closing date.
8. The individual has used or attempted to use bribery or other unethical means to obtain an advantage in the selection process.
9. The individual has failed to pass or refused to undergo required tests or examinations.
10. The individual has a poor driving record, when driving a vehicle is a requirement of the position.
11. There are other more qualified applicants with better training, education, work experience, or skill levels as compared to the individual.

## ARTICLE III. FINAL CANDIDATE SELECTION

### Section 2-10 Conditional Offer of Employment

A. The individual who most closely meets all the position requirements and the needs of the City will be selected as the final candidate for employment. Final candidates selected for all full-time positions will be issued a written conditional offer of employment from the respective Department Head after consultation with the ~~City Administrator Board of Aldermen and the Mayor.~~

These candidates will be required to satisfactorily complete the provisions listed below in Sections 2-11 and 2-12 as applicable. The conditional offer of employment will be made with the clear understanding that the final candidate will be hired if he passes the remaining designated tests/evaluations satisfactorily.

B. The final candidate will be required to sign the conditional offer of employment if accepted, and return it to the respective Department Head prior to completing the provisions listed below in Sections 2-11 and 2-12, as applicable. By signing the offer, the final candidate also acknowledges that his status will be as an at-will employee and that the offer does not constitute a contract of employment.

C. Before any procedures listed below are administered, job applicants must sign a consent form authorizing the procedures and permitting release of results to those City officials with a need to know.

D. A job applicant who refuses to undergo the procedures will be denied employment with the City.

E. All costs associated with the procedures requested by the City are the responsibility of the City, unless otherwise stipulated.

F. All results of these procedures are the exclusive property of the City.

#### Section 2-11 Drug and Alcohol Test

A. After receiving a conditional offer of employment, applicants for all full-time positions, and part-time/temporary/seasonal positions required to operate City machinery or vehicles, shall be required to undergo a drug and alcohol test as part of the hiring process. The policy for drug and alcohol testing is set out in Chapter 3, Article IV. Drug and Alcohol Requirements.

B. Before a pre-employment drug test is administered, all minors must have a parent or guardian sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know.

C. Applicants for positions requiring a CDL shall be required to execute an authorization for the City to obtain information from their previous and/or other prospective employers, or provide the information themselves if otherwise unavailable. The information that may be requested is the employee's alcohol tests with a concentration result of 0.04 or greater, positive or tampered controlled substances test results, refusals to be tested within the preceding two (2) years, any other violations of Department of Transportation drug and alcohol testing regulations, and if applicable, documentation of successful return-to-duty requirement completion, including follow-up tests. This information is to be reviewed by the City.

If it is not feasible to obtain the information prior to the driver performing safety sensitive functions, the City may permit the driver to perform safety-sensitive functions for up to thirty (30) days, without obtaining the information.

D. A job applicant who tampers with a drug or alcohol test will be denied employment with the City.

E. An employee who is being promoted, transferred or demoted into a safety-sensitive position will be required to submit to a drug and alcohol test.

F. All information from an applicant's drug and alcohol test is confidential and is only subject to disclosure under the provisions described in Chapter 3, Article IV. Drug and Alcohol Requirements, or by law.

G. Job applicants will be denied employment with the City if a positive test result is reported in accordance with the drug and alcohol testing procedures as set out in Chapter 3, Article IV. Drug and Alcohol Requirements.

H. An applicant whose initial substance screen shows a positive result will be allowed to reapply for employment with the City after twelve months.

## Section 2-12 Medical Exam

A. After receiving a conditional offer of employment, applicants for all full-time positions, and part-time/temporary/seasonal positions required to operate City machinery or vehicles, shall be required to undergo a medical exam based on requirements of the job, after which a determination will be made regarding whether the individual is able to perform the essential job functions of the position with or without accommodation.

B. At a minimum, the medical exam results will be used as documentation of preexisting conditions for workers' compensation purposes.

C. An employee who is being promoted, transferred, or demoted into a position with significantly different job requirements must take a medical exam in order to determine if he is able to perform the essential job functions of the position with or without accommodation.

# ARTICLE IV—HIRING

## Section 2-13 Documentation

No individual may be placed on the payroll, promoted, transferred or demoted until all necessary personnel forms have been completed and signed, including a 1-9 form as prescribed by federal law and an offer letter which outlines job expectations. The new employees' supervisor will be responsible for coordinating with the Human Resource Office to ensure that the new employee has received and completed the necessary paperwork.

## Section 2-14 Rehires

An individual who is re-employed with the City, or changes job status between being full-time or part-time, is typically treated as a new employee for purposes of calculating leave accruals and any other seniority type privileges, and must also complete a new set of all necessary personnel forms. Access and levels of benefits are governed by the specific benefit plan.



## Section 2-15 Anti-nepotism and Personal Relationships

A. It is the policy of the City not to hire any person for any position other than temporary/seasonal employment who:

1. is an immediate family member of a City elected Official; or
2. is an immediate family member of an administrator who will have selection, hiring, supervisory, or operational responsibility over the individual.

B. For the purposes of this section, "immediate family member" is defined as: spouse; children (including step-children); parents and siblings and the respective in-laws; step-parent; and uncle, aunt, nephew and niece.

C. If two employees become married to each other or become otherwise related as immediate family members, they may continue to be employed by the City, provided that neither position has direct or indirect supervision over the other position, there is no special scheduling requirements, and the relationship does not create any job performance problems. If any problems occur that are attributable to the relationship, appropriate action will be taken, including possible disciplinary action and/or termination of one of the individuals.

D. If a supervisory relationship does exist or other potential work related problems are identified prior to marriage between employees, transfer to other departments may be considered, if available. Employees must be qualified, and a vacancy must already exist to accommodate such a transfer. The transfer shall be made as soon as a change can be effected, but in no event shall such a situation exceed ninety (90) days. If such transfer of one of the employees cannot be accomplished for whatever reason within ninety (90) days of the marriage, one of the employees, as determined by the Department Head in consultation with the affected employees, must resign his employment, or shall be terminated from employment on the basis of such factors as criticality of position and past job performance.

E. Employees are encouraged to keep all aspects of personal relationships with any coworker out of the workplace. Work related problems that occur in full or in part, due to personal relationships between co-workers, will be dealt with just as any performance issue. If the performance problem is not corrected, one or both of the employees may be terminated from employment if the Department Head determines this to be in the best interest of the City.

## Chapter 3

### EMPLOYEE CONDUCT

- Article I. Performance Trial Period
- Article II. Conduct on the Job
- Article III. Use of Equipment/City Property

- Article IV. Drug and Alcohol Requirements
- Article V. Anti-Fraud Policy

## ARTICLE I. PERFORMANCE TRIAL PERIOD

### Section 3-1 Performance Trial Period

A performance trial period is an initial period of time for the supervisor to examine the employee's work habits, skills, and competence for successful performance in the position.

### Section 3-2 Duration

- A. There will be a six (6) month performance trial period for personnel selected for full- or part-time positions.
- B. The performance trial period is considered successfully completed at the end of the six months unless the supervisor indicates in writing that the performance trial period is being extended. In such cases, the supervisor will inform the employee of the action and state the reason(s) for the delay. The employee shall be told when his work performance will be evaluated again.
- C. Temporary/seasonal employees are not considered to be on a performance trial period and may be terminated with or without cause at any time. Temporary/seasonal employees shall not be entitled to participate in any review process as provided for by Chapter 8 — Discipline and Review Procedures.

### Section 3-3 Performance Evaluation

- A. During the performance trial period, an employee's performance in the position should be reviewed and evaluated by his supervisor within six (6) months. More frequent reviews are authorized and encouraged as necessary. The employee will be given verbal and/or written notice of any changes in performance that must be made and, when deemed appropriate, will be instructed on how to make the changes.
- B. Performance evaluation forms shall be forwarded to the Human Resources Director for inclusion in the employee's personnel file.
- C. During the performance trial period, the employee may be terminated with or without cause at any time for any lawful reason, including but not limited to, a determination by the supervisor that the individual hired does not meet the needs of the position.
- D. Any employee who is terminated during their initial performance trial period with the City shall be entitled to participate in a review process as provided in Chapter 8 — Discipline and Review Procedures.
- E. An individual whose selection constitutes a promotion, transfer, or demotion and who does not satisfactorily perform the duties of the position during the performance trial period may be

returned to his former position, if available, or a similar position if one becomes available. In the alternative, the Department Head may terminate the employee. A decision to place the employee in a different position or to terminate the employee is at the discretion of the Department Head in consultation with the Human Resources Director. Full-time and part-time regular employees in this situation shall be allowed to participate in any review process as provided in Chapter 8 as long as they have successfully completed the initial performance trial period of their former position.

F. Successful completion by an employee of the performance trial period in no way guarantees or assures continued employment for any specific duration or period of time. **Except the City Administrator, all employees are employed at the will of the City and may be terminated at any time with or without cause or notice, except as provided by federal, state, or local law.**

## ARTICLE II. CONDUCT ON THE JOB

### Section 3-4 Code of Ethics

#### A. Policy Statement

As stewards of the public trust, all employees of the City of Valley Park are expected to uphold the highest standards of conduct, both personal and professional. Consequently, employees must avoid engaging in: activities which create or imply a conflict of interest; dishonesty; unauthorized use of City funds or property; inappropriate use of influence relative to their position; or other improprieties. Violations of this policy may be grounds for disciplinary action, up to and including termination.

#### B. Standards of Conduct

1. No City employee who seeks appointment or promotion to any City position shall, directly or indirectly, give anything of value to any person to secure such employment.
2. City employees shall not grant special consideration, treatment or advantage to any person beyond that which is available to every other person.
3. City employees shall cooperate fully in any criminal or administrative investigation, unless to do so would violate a constitutional right.
4. City employees shall use good judgment in releasing information, and whenever there is any doubt about confidentiality, shall submit the request for information to the Department Head for a response. In general, matters pertaining to personnel and litigation are not public information.

#### C. Conflicts of Interest

1. No employee shall accept or be influenced in their duties by an offer of any payment, gift or favor from any source other than their regular compensation from the City. It is

particularly important that employees refrain from accepting gifts where it might be construed as evidence of favoritism or unfair advantage relative to any supplier or vendor. These limitations are not intended to prohibit the acceptance of:

- a. small gifts of no significant value, such as pens, pencils, note pads and other items which can be used in the performance of work duties, and
- b. non-alcoholic consumable articles such as food, of no significant value, that can be shared equally on the City premises by all employees.

2. No employee shall engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties.

3. City employees who have a financial or other private interest in any proposed City legislation shall immediately disclose the nature and extent of such an interest to the Board of Aldermen and the Mayor.

4. No employee shall use, or permit the use of, City property or equipment for any purpose except the conduct of City business unless given express permission by their Department Head.

5. No employee shall engage in any private business or activity while on duty or while on a medical leave from the City. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with their official duties, or creates the appearance of impropriety.

6. No employee shall accept outside employment without submitting a written request to their Department Head and the Human Resources Director. Each change in outside employment shall require a separate request. This is necessary to avoid any potential conflicts of interest. (See also Section 3-6 Outside Employment.)

7. No employee shall accept appointment, in other than an ex-officio capacity, to any Board or Commission of the City except as expressly designated by State Statute, City Charter, ordinance or resolution (such as the Uniformed and Non-Uniformed Pension Boards), or as assigned by the Board of Aldermen or respective Department Head (such as the Safety Committee).

D. Endorsements and Referrals

1. Employees of the City are often in positions of influence and are asked for referrals to recommend products and services. While employees may discuss names of the City's suppliers, employees shall provide only objective information regarding suppliers: the name of the supplier; the service, work or items provided; and the dates on which the service or work occurred.

2. No products or services shall be commercially endorsed by the City or any employee serving in their official capacity. This prohibition extends to testimonials or advertisements

that use the individual's name, official title, or photograph identifying them as an employee of the City.

## Section 3-5 Work Rules

### A. Policy Statement

The orderly and efficient operation of the City government requires that employees adhere to uniform work rules and high personal standards of conduct at all times. In addition, employees should have as their goal providing excellent customer service, making each customer contact (whether internal or external) a positive experience.

Any employee who fails to maintain proper standards of conduct or who violates any of the following work rules will be subjected to disciplinary action up to and including termination. The expected conduct listed is not all inclusive of the obligations of employment with the City. For conditions unique to individual City departments, those departments may adopt standards of conduct applicable only to their employees.

### B. The following is a list of work rules applicable to all employees.

1. Employees must be at their appointed work place on time, and actively work for the duration of their work schedule.
2. When employees are unable to report for work due to illness or other justifiable cause, they must report their absence to their supervisor in advance of or at the beginning of their work shift, or as otherwise instructed by their supervisor.
3. Employees must wear and make use of prescribed safety equipment.
4. Employees must immediately report any on-the-job injury or accident to their supervisor.

### C. The acts listed below are prohibited employee conduct.

1. Having intoxicants, non-prescribed narcotics, illegal drugs, or alcohol in an employee's system or possessing or consuming intoxicants, non-prescribed narcotics, illegal drugs or alcohol during the work day, including lunch periods and other breaks.
2. Stealing or negligently damaging property belonging to others.
3. Using City equipment, facilities, or records for purposes other than City business, unless authorized by the respective Department Head.
4. Working within City facilities during non-business hours, unless specifically authorized in advance by the supervisor and/or Department Head.
5. Conducting illegal or improper acts on or off City premises that affect the employee's relationship to their job, fellow employees, or supervisors, or adversely affect the City's services, property, or reputation in the community.

6. Restricting services or interfering with the performance of other employees' jobs, or engaging in any interruption of work.
7. Neglecting one's own job duties and responsibilities, or refusing to perform work assigned.
8. Bringing firearms onto City property which has been declared a restricted area.
9. Falsifying any reports or records, including personnel, time cards, absence, accident, Workers' Compensation, and production.
10. Violating any safety rule or practice, or engaging in any conduct which tends to create a safety hazard.
11. Removing from the premises, without proper written authorization, records or other materials.
12. Making threatening comments or otherwise behaving violently or abusively.
13. Leaving the scene of an accident in which the employee is involved or is a witness.

### Section 3-6 Outside Employment

- A. Employees of the City may hold an outside job if, in the opinion of the Director of Human Resources, and in consultation with the appropriate Department Head, there is no conflict with working hours; there is no conflict of interest; and the employee's efficiency will not be reduced. All outside jobs must be pre-approved in writing by the Human Resources Director in order to assure that these conditions are met.
- B. No employee shall use their City position for personal gain, or use any City records or information for or in connection with anything other than City employment. No aspect of the outside employment shall be performed on City time, on City premises, or while the employee is on a medical leave of absence from the City. No employee is allowed to perform outside employment in their City uniform, or with the use of any City equipment, unless expressly approved by their Department Head.
- C. Any injury or illness sustained in the course of outside employment will not be covered by the City's Workers' compensation policy. It will be the judgement of the City's third party administrator for Workers' Compensation whether such injury or illness will be covered by the City's policy or referred to the outside employer as a Workers' Compensation case.
- D. If an outside job adversely affects performance of the employee's City job, the Department Head may require the employee to take whatever action is deemed necessary to eliminate further interference. In addition, depending on the situation, the employee may be subject to disciplinary action.

### Section 3-7 Political Activities

A. Employees shall not be appointed, retained or dismissed on the basis of their political affiliation (i.e., membership in a particular political party or club). City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds, or support for the purpose of supporting or opposing the appointment or election of candidates for any office.

B. The following rules regarding political activities only applies to City of Valley Park elections:

1. Wearing Political Badges:

- a. An employee cannot wear any political badge while on duty.
- b. An employee may wear a political badge during off duty hours if the employee is not on City-owned property or City-Leased property.

2. Political Insignia on Automobile

- a. An employee cannot place political insignia on a private automobile used for public business. This prohibition is not affected by whether or not the employee receives compensation for the use of the automobile.
- b. An employee may place political insignia on a private car used for transportation to and from work, but may not do so if such car is parked on City-owned or City-leased property.

3. Attendance at Picnics, Rallies, Dinners or Other Social Functions for a Particular Party or Candidate

- a. An employee may attend such social activities on a voluntary basis as long as the employee does not organize the activity or direct some function of it.

4. Membership in a Political Club

- a. An employee may belong to a political organization or club provided the employee does not hold an office in the organization or club or serve as a member of a committee;
- b. An employee, in attending the meetings of such organization and clubs, may speak from the floor in favor of a particular candidate or issue, provided it is a private meeting not open to the public by general invitation.
- c. An employee, in attending such meetings, may introduce resolutions and motions in favor of a particular candidate, if the meeting is a private meeting not open to the public by general invitation.

5. Monetary Contribution to a Party or to a Particular Candidate

- a. An employee cannot make financial contribution on a voluntary basis to a political party or to a candidate.

6. Membership on Campaign Committees

- a. An employee cannot serve as a member of a campaign committee; even though the employee does not take part in the operations of the committee.

7. Paid Political Advertising

- a. An employee's name cannot be used or offered in a paid newspaper or other paid political advertising.

8. Driving Votes to the Polls

- a. An employee cannot assist in an organized partisan effort to drive or get voters to the polls in a partisan election.

9. Delegate to a Political Meeting or Convention

- a. An employee cannot serve as a delegate or alternate to a political meeting or convention.

10. Performance of Political Clerical Work at Party or Candidate Headquarters

- a. An employee cannot perform clerical work for a political organization or for a particular Partisan candidate, for example, stuffing and addressing envelopes.

11. Participation in Political Telephone Campaigning

- a. An employee cannot volunteer or assist in a telephone campaign for a particular party or partisan candidate.

12. Political Placards on Premises of Private Home

- a. Employees may place a political placard in their yard or in the windows of their home, if such action is voluntary and without coercion.
- b. An employee cannot ask neighbors or friends to display political placards on the premises of their homes.

13. Distribution of Literature and Insignia for a Particular Party or Candidate

- a. An employee cannot distribute literature or insignia for a particular partisan candidate.

14. Circulate or Seek Signature to Partisan Petitions for Primary, General or Special Elections

- a. An employee may not circulate or secure signatures to any partisan petition related to any primary, general, or special election.

C. An employee may participate in political affairs at other levels of government.

D. Any City employee, who upon being certified the winner of a City of Valley Park elective office, shall immediately be deemed to have forfeited their employment with the City. If the employee chooses to apply for reemployment at a later date and is rehired, they shall not receive credit for past service in



computing continuous service for the purpose of vacation, sick leave, or other benefits of employment. Previous time served may be considered towards retirement.

E. Any City employee who files as a candidate or is chosen to fill an elective office other than a City of Valley Park elective office shall immediately file with the City Clerk:

1. A statement that no City work hours or equipment will be used to assist in the campaign or in carrying out the responsibilities of the elective office; and
2. A statement of the steps to be taken to assure that the employee's City job responsibilities will be carried out effectively during the campaign.
3. Failure to comply with any of the above provisions limiting political activities is grounds for immediate dismissal.
4. Nothing in this Section should be construed to discourage an employee from filing or supporting a candidacy for office outside the City limits.

### Section 3-8 Appearance (Dress Code)

A. Employees of the City of Valley Park are required to present a neat and professional appearance **as mandated by the City Administrator**. This applies, in general, not only to day-to-day business activity, but also to relations with others outside the immediate workplace in business contexts. Employees are expected to exercise mature discretion in appearance, dress, and demeanor.

B. Appropriate attire depends to some extent on the nature of an individual's job and job duties. Therefore, it is not possible to list every article of clothing that is either appropriate or inappropriate. Questions as to the appropriateness of apparel or appearance should be directed to the employee's supervisor and/or Department Head.

C. Employees assigned uniforms shall maintain and wear such uniforms in good condition and according to departmental regulations.

D. The City of Valley Park reserves the right to determine if an employee's attire is not in keeping with this policy, and if so, the employee may be asked to return home to change to proper attire. If the employee does not correct the situation, or if violations recur, disciplinary action may be taken.

### Section 3-9 Harassment in the Workplace

A. The City will not tolerate harassment in the workplace. Harassment includes, but is not limited to:

1. making offensive or derogatory comments based on race, color, gender, religion, national origin, age, mental or physical disability, genetic information, veteran status, or other characteristic protected by law either directly or indirectly to another person;
2. unwelcome sexual advances (either verbal or physical), requests for favors or other verbal or physical conduct of a sexual nature when:

a. submission to such conduct is either an explicit or implicit term or condition of employment (e.g., promotion, training, timekeeping, overtime assignments, etc.);

b. submission to or rejection of the conduct is used as a basis for making employment decisions; or

c. the conduct has the purpose or effect of substantially interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment;

3. unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

B. **The City Administrator**, Supervisors and Department Heads are responsible for taking action against acts of harassment regardless of: whether the specific acts were sanctioned or specifically forbidden; the manner in which the City becomes aware of the conduct; and whether or not a formal complaint was lodged.

C. Any employee who feels that he or she is a victim of any type of harassment listed above, by any supervisor, other employee, customer, elected or appointed official, or any other person in connection with employment at the City, should bring the matter to the immediate attention of his supervisor. If the alleged harassment involves the supervisor or the employee does not feel the matter can be discussed with his direct supervisor, the employee may bypass his supervisor and take the complaint up his department chain of command or to the Human Resources Director.

D. After receiving notification of the employee's complaint, a thorough investigation will immediately be initiated in consultation with the Human Resources Director to gather all facts about the complaint, in as sensitive a manner as possible. After the investigation has been completed, a determination will be made by appropriate management regarding the resolution of the case, including any disciplinary action.

E. **Appealing Decisions:** If the complaining employee is dissatisfied with the resolution, the employee may submit a letter of appeal to the Human Resources Director within three (3) days of being notified of the resolution. The Human Resources Director shall review the decision and provide a written response to the complaining employee within fifteen (15) days.

If the Human Resources Director is the subject of the complaint, the employee may appeal the decision in writing to the Mayor within three (3) days of being notified of the decision. The Mayor may conduct such review and investigations as determined in his/her sole discretion. The Mayor shall provide a written update to the employee on the status of the investigation or a decision within 30 days of receipt of the employee's appeal.

F. **Retaliation Prohibited:** Employees who bring harassment charges or assist in investigating charges will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged, as long as the complaint was made in good faith.

G. Any City employee, as defined by this Policy and the City's Personnel Manual who engages in harassment or who condones harassment or who participates in retaliation or reprisal shall be subject to disciplinary action including, but not limited to, written reprimand, suspension without pay, loss of pay and dismissal from employment. Steps to administer such discipline shall follow the guidelines set forth in the City's Personnel Manual.

### ARTICLE III. USE OF EQUIPMENT/CITY PROPERTY

#### Section 3-10 Use of Vehicles on City Business

All employees who operate vehicles on City business must adhere to the following regulations.

A. All employees who operate vehicles must have a valid driver's license that entitles them to drive the class of vehicle they are assigned to operate. Random checks of motor vehicle records may be performed for all current employees who operate City vehicles. Should the record check indicate that the employee has an unacceptable driving record or suspended license, the City may take disciplinary action, as outlined in Chapter 8, Article III.

B. Employees are responsible for knowing all state and local motor vehicle laws, including the latest amendments. This includes having a valid driver's license in the employee's possession and wearing a seat belt while driving. Proof of insurance and vehicle registration must also be retained with the vehicle.

C. Employees are responsible for paying fines for traffic violations and parking tickets they incur arising from the operation of a City vehicle, or their own vehicle while on City business. The City will not reimburse employees for such fines.

D. Employees are responsible for immediately notifying their direct supervisor and the Finance Department of any damage to their personal vehicle while operating the vehicle on City business.

E. Employees who drive City vehicles must immediately report to their supervisors any on-duty motor vehicle accident or any on- or off-duty driving under the influence conviction or driver's license suspension by the next regular work day of when such conviction, suspension, or violation occurred.

F. Employees who drive as an essential function of their position may be subject to discipline, up to and including termination, when the occurrence of any event adversely affects the ability of the employee to perform the duties of his position.

G. No use of tobacco products is allowed in any City vehicles.

H. If a vehicle is assigned to a specific employee he is responsible to keep it clean and record a detailed maintenance log.

#### Section 3-11 Monitoring Use of City Communication Equipment

All electronic and telephone communication systems and all communications and information sent through, received or stored in these systems, are the property of the City and are provided to be used for job-related purposes. The use of voice-mail or electronic mail (e-mail) to communicate obscene, harassing, or otherwise offensive language or communications are prohibited. The City retains the right to monitor all of its electronic and communications systems at its discretion, including listening to voice-mail messages and recorded conversations, and reading and/or printing e-mail messages stored in the systems. Internet usage through the City's computer system will also be monitored. By using these systems, employees consent to such monitoring by the City.

### Section 3-14 Personal Use of City Provided Telephones

A. Employees may make reasonable, limited use of the City's telephones for personal calls. Whenever possible, such calls should be made during non-work hours. Personal calls should not interfere with official duties.

B. Employees are strongly discouraged from holding/dialing a cell phone while driving on City business, and prohibited from texting or e-mailing while driving on City business. Rather, employees should park their vehicles to use a cell phone or make use of a hands-free device while driving.

### Section 3-15 Electronic Mail Usage

A. The electronic mail (e-mail) system of the City of Valley Park provides a timely and effective business communication tool for the employees, affiliates and contractors of the City. All users of the system should use generally accepted standards of business conversation in e-mail messages, and exercise good judgement in both the types of messages created and in the tone and content of the messages.

B. In accordance with state law, messages created on the system have the same classification and are accessible to the public as though they were written memorandums. The Missouri Statutes, Sections 109.080, 109.090 and 610.010 et seq., provide that state, county and municipal government records "regardless of physical form or characteristics" must be made available for personal inspection by any citizen of Missouri. Only limited exceptions are authorized by the Data Practices Act.

C. The e-mail system is a communication tool to be used for business purposes of the City. Occasionally, it will be used for quasi-business announcements or personal messages. Employees need to be aware that it is not a private messaging service. Email messages must be able to withstand public scrutiny without embarrassing the City of Valley Park, its constituents, or its employees if messages are forwarded beyond the recipients.

D. Violations of this policy may result in disciplinary action, up to and including termination.

The City of Valley Park expressly will not tolerate the following unauthorized uses of e-mail:

1. illegal activities;
2. wagering, betting or selling chances;

3. harassment;
4. solicitation, except for City-sanctioned activities;
5. commercial activities;
6. unethical activities;
7. deliberately accessing, storing or distributing sexually explicit material;
8. mass e-mailing of large files (such as games and photographs); and
9. activities which violate other City policies.

E. Each individual user is responsible for adhering to the policy, protecting the confidentiality of their assigned password and notifying the Information Technology Designee (ITD) of known or suspected illegal use of e-mail. Supervisors are also required to notify the ITD of incidents of known or suspected unauthorized use of e-mail. Additionally, messages and information contained on the system will be subject to periodic review and analysis as required for proper system administration and to conform to legal requirements.

### Section 3-16 Personal Computer Usage

A. All City of Valley Park employees and affiliates who use computer software on their jobs have a responsibility to ensure that no unauthorized copies of software are created or used. This includes taking unauthorized software copies for home use or providing them to others. Copying software without permission is unethical and illegal. Unauthorized copying is not condoned or allowed by the City of Valley Park or by the suppliers of the software used by the City of Valley Park.

B. Each City employee and affiliate who uses City-owned computer software or hardware is responsible for:

1. using only software provided or authorized by the ITD on City of Valley Park provided personal computers;
2. obtaining authorization from the ITD before duplicating any software programs;
3. safeguarding the copies of the software provided by the City of Clayton from unauthorized use;
4. preventing contamination of City-owned computers by computer viruses and immediately reporting to the ITD all outbreaks of any viruses, worms, bombs or related malfunctions;
5. keeping passwords secure and not sharing personal accounts; and
6. taking necessary steps to prevent unauthorized access to the city's computer systems and information.

C. In addition, the following actions are prohibited:

1. copying, printing, downloading, distributing, or selling City data for personal use or gain;

2. downloading or installing software applications to City-owned equipment without prior approval of the ITD;
3. physically connecting one's own personal computer equipment to the City's network; and
4. attempting to bypass the City's filtering and/or auditing systems.

D. The supervisor of each work unit is responsible for ensuring that their employees who are allowed to use City of Valley Park computers and associated software adhere to this policy and its procedures. Reports of unauthorized software or copying, or other actions which endanger the integrity of the City's computer system, must be reported to the ITD. Additionally, on a random basis, the ITD will conduct audits of software residing on City-owned personal computers to ensure compliance with this policy. Results of the audits, and any violations of this policy discovered by the ITD through computer maintenance, will be conveyed to the respective Department Head for appropriate action.

E. Violations of this policy will subject the employee to possible disciplinary action, up to and including termination, and may subject the City employee or affiliate to criminal or civil sanctions including under the Copyright Laws of the United States.

#### Section 3-17 Internet Access

A. Internet access is intended to further the mission, goals, and objectives of the City of Valley Park by providing staff with a valuable communication and research tool to make their work more efficient and effective. All users of the system should use generally accepted standards of business conduct when accessing the system, and exercise good judgement in terms of the sites visited as well as the amount of time spent on the system.

B. Department Heads are responsible for determining the need and level, if any, of Internet access for each individual under their supervision. The ITD is responsible for setting up access according to City-approved Internet categories, providing Department Heads with reports on individual employee usage to monitor appropriateness, and maintaining software to block sites that have been deemed inappropriate. No employee should have any expectation of privacy as to his Internet usage as the City has systems in place to record access.

C. Department Heads may, at their discretion, allow individual employees to access the Internet during specific non-working hours for retrieval of educational materials for individual use, provided these materials fall within the City-approved categories and do not violate other provisions of this policy.

D. The unauthorized e-mail uses outlined in Section 3-15 above shall apply to the Internet as well. Additionally, the following activities related to Internet usage are also prohibited:

1. Making personal use of the Internet during regular business hours at a work station in view of the public, even if on a break;
2. Downloading or installing media or other applications software to City-owned

equipment without prior approval of the ITD;

3. Subscribing to pay Internet services for personal use on City time or with City equipment;

4. Downloading, copying, transmitting, or making use of copyrighted material located on the Internet without first obtaining the express written consent of the author;

5. Misrepresenting yourself when participating in chats, newsgroups, or other similar forums;

6. Releasing confidential City information, whether or not the release is inadvertent; and

7. Using any encryption software or scheme on the City's networks or computers unless prior express consent of ITD is obtained.

E. Each individual user is responsible for adhering to the policy, protecting the confidentiality of their assigned password, and notifying ITD of known or suspected illegal use of the Internet and of offensive sites to which one becomes connected. Supervisors are also required to notify MIS of incidents of known or suspected unauthorized use of the Internet.

F. When considering whether something is inappropriate for the purposes of this policy, staff should discuss any related questions with their supervisor, Department Head, or the ITD. Violations of this policy will subject the employee to loss of Internet access privileges in addition to other possible disciplinary action, up to and including termination.

## Section 3-18 Social Media

All uses of social media on behalf of the City or in any manner that appears to represent the City or constitute communication by the City, must comply with the following standards:

A. Departments and Department Heads

1. No department may establish or use or terminate a social media identity, account, profile, page, or site without the approval of the **City Administrator**. ~~Board of Alderman and Mayor~~.

2. Department Heads shall designate one or more employees to be the authorized social media user(s) for the department. Only the department's authorize social media user(s) shall be authorized to post social media content on the department's social media account(s) and may have access to the department's social media accounts that permit such posting.

3. Department Heads shall establish a procedure for approving, prior to posting, and shall issue agency guidelines for all social media content that is posted to the department's social media accounts, including the designation of one or more employees to be responsible for the approvals.

All Department social media guidelines and policies must be consistent with this policy, and must be approved by the City ~~Administrator~~ ~~Clerk~~.

4. No information or links to any Internet site or other materials or communications may be posted, or approved for posting, on a department social media account that is not directly related to the mission, services, and business objectives of the City.

5. Department social media pages must clearly identify the pages as created and managed by the City department.

6. Department social media pages must prominently display, on the first page accessible to site visitors, links to the City's official internet site.

7. Department Heads must submit a list of all social media accounts maintained by any employee on behalf of the City to the City ~~Administrator~~ ~~Clerk~~. This list should include: (1) the name, hosting site and Internet address and date of inception for the account, and a statement of the purpose and scope of the department's use of the account, (2) all user names, passwords, and other log-in credentials for the account; (3) all authorized social media users for the department that have access to and/or responsibility for the account; and (4) the administrative contacts and contact information for the account.

8. Department Heads shall ensure that all department-approved social media accounts and social media content are periodically reviewed for compliance with this policy.

#### B. Employees

1. No City employee may establish any social media account in the name of or on behalf of the City or any City department unless: (1) the City ~~Administrator~~ ~~Clerk~~ and Department Head have approved the account; and (2) all information to be posted on the account is approved in accordance with the process outline above. This requirement applies regardless of whether the account is established, accessed, or used by the means of City information systems or by means of the employee's other information systems, and regardless of whether the account is established, accessed, or used from City or non-City premises.

2. Social media accounts established by the City or a City department are to be used for City and department business purposes only. Use for communications and postings that are not directly related to a City or agency business purpose is prohibited.

3. Employees must report unauthorized uses of City social media or City social media accounts to the applicable Department Head or the ITD.

4. Employees are expected to be attentive and careful in their use of social media. Employees should be aware that their use of social media may be perceived as representing the City and City government and should tailor their use accordingly.

5. Unacceptable uses: The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of these activities on a social media account established by the City or a City department.



a. Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with City and agency policies.

b. Using social media in a manner that:

1. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests;
2. Includes ethnic slurs, profanity, personal insults, material that is harassing, defamatory, fraudulent or discriminatory, or other content or communications that would not be acceptable in a City workplace under City policies;
3. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;
4. Displays sexually explicit images, cartoons, jokes, messages or other material in violation of the City Policy against Harassment in any form;
5. Violates any provisions of Section 3-7, Political Activities;
6. Contains confidential or “for official use only” information or information that compromises the security of the City networks or information systems;
7. Violates the terms of use governing the social media account.

6. This policy is not intended to govern employee’s establishment or use of personal social media accounts for personal purposes, outside the workplace and using non-City information systems. However, some such personal uses of social media may reflect on the City or appear to represent the City. In addition, accessing and using personal social media accounts by means of a City information system is subject to City policy. For these reasons, City employees are expected to comply with all City and department policies, as well as the following standards when using personal social media accounts.

a. City employees have no right to privacy with respect to their personal use of social media or personal social media accounts accessed by means of City information systems, or with respect to personal social media content so accessed. They should not expect or assume privacy or confidentiality with respect to any such personal social media use or social media content.

b. Postings and user profiles on social media accounts must not state or imply the views, conclusions, statements or other social media content are official policy, statement, position, or communication of the City or represent the views of the City or any City officer or employee, unless the City ~~Administrator~~ Clerk and Department Head has granted express permission to do so.

c. If a City employee has not received such express permission, any user profile or posting on a personal social media account that identifies the person as a City

employee must include a qualifying statement that says “The views I express on this site are my own and do not reflect any official view of position of the City of Valley Park, Missouri.”

d. Employees subject to the provisions of Section 3-7, Political Activities, and must comply with those restrictions in personal uses of social media, whether or not City information systems are used to access the personal social media account.

7. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

## ARTICLE IV—DRUG AND ALCOHOL FREE ENVIRONMENT

### Section 3-19 Policy Statement

The City of Valley Park has the public trust to provide a variety of services to the community in the most efficient and effective manner possible. The City has an obligation to ensure public safety and to provide a safe working environment for all employees. In order to achieve these goals, it is imperative that the City ensures that all employees are able to perform their job duties safely. One requirement for employment is that an employee be free from drug and alcohol dependence and illegal drug use.

The objectives of this policy are to:

- Help ensure an employee’s fitness for duty as a condition of employment;
- Inform applicants that drug testing is a requirement of City employment and inform employees that drug testing may be a requirement of continued employment.
- Inform employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace; and
- Ensure drug tests are ordered as a result of reasonable suspicion by supervisory personnel and based on observed behavior or work performance, or are ordered as a result of other requirements set out in the Omnibus Transportation Employee Testing Act of 1991, Public Law 102-134, Title V, and amendments thereto.

### Section 3-20 General Rules

A. City employees who use, purchase, sell, possess, or have in their systems alcohol, illegal drugs, or other unauthorized substances, or who otherwise violate this policy while on the job (including lunch and break periods), or while on City property are in violation of this policy. (See however Chapter 3, Section 3-5, C.) Use, purchase, sale or possession of paraphernalia associated with illegal drugs also constitutes policy violations. Violators will be subject to discipline, up to and including termination.

B. Employees will be required to submit to a drug and/or alcohol test as directed by their supervisor or Department Head when the following conditions arise:

1. As a condition of hiring by the City, after a conditional offer of employment has been extended.

2. There is a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol in violation of the policy.

3. An employee has been involved in an accident on City time or City business that results in physical injury or damage to property. Employees who are involved in non-injury vehicular accidents in which their vehicle was at a complete stop and they were not at fault or the accident was solely the result of an act of God or in non-vehicular accidents that are solely attributable to weather conditions, will not be subject to testing, unless their supervisor or Department Head directs otherwise.

4. Where safety procedures were violated, unsafe acts were performed, or acts were committed that indicate the employee(s) involved may have been impaired or that indicate alcohol or controlled substances contributed to the accident or injury.

5. An employee has been operating equipment or a vehicle unsafely or otherwise acting in an unsafe manner.

C. Safety-sensitive employees will also specifically be subject to:

1. Random testing in accordance with federal laws. Random testing for these individuals can occur at any time, without notice. The following outlines random testing guidelines.

a. Each employee within a group has an equal chance of being selected for testing.

b. The City's designated testing facility will make the selection through a random selection computer program to assure an unbiased selection.

c. Days and times for random testing may be chosen by the designated testing facility, or the City. Random drug testing may be conducted at any time. Random alcohol testing may only occur immediately before, during, or immediately after the performance of a safety-sensitive function.

d. The City will annually meet the legal requirement that, of employees with CDLs, at least 10% and 50% are randomly tested for alcohol and illegal drugs, respectively. These percentages will change from year to year as provided by federal law. These percentages will also be applied to uniformed public safety employees by department.

e. Employees may be randomly selected more than once annually.

2. Post-accident drug and alcohol testing following any vehicular accident, with the following required by the Department of Transportation (DOT) under the circumstances described.

a. All surviving drivers involved in an accident resulting in the loss of human life who performed safety-sensitive functions on the vehicle(s) involved will be immediately required to submit to a drug and alcohol test.

b. Any driver who receives a traffic citation for a moving violation resulting from a vehicular accident will be immediately required to submit to a drug and alcohol test.

c. Post-accident drug and alcohol tests must be administered immediately following the accident, but this testing should not delay the administration of necessary medical attention. If an alcohol test is not administered within two (2) hours following the accident, the Human Resources Office shall prepare and maintain a log stating the reasons for the delay. If the test is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and prepare and maintain the same log.

### 3. Testing for reasonable suspicion.

D. An employee must not consume alcohol four (4) hours prior to performing safety sensitive functions and up to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever is first.

1. A safety sensitive function is time that a commercial motor vehicle driver is performing, ready to perform, or immediately available to perform assigned tasks.

## Section 3-21 Testing Procedures

A. When a test is warranted under any of the circumstances described above, the authorized supervisor or Human Resources Director will provide authorization for testing. The supervisor will send the employee directly to the designated testing facility. An employee who is sent for a "reasonable suspicion" drug or alcohol test will be driven to the City's designated testing facility by the supervisor or the supervisor's designee. Employees being tested at random or following a non-injury vehicular accident may drive themselves to the testing facility, unless their supervisor instructs otherwise.

B. The clinic will request the employee to sign a release form. An employee who refuses to sign the release form and/or submit to the test or otherwise refuses to fully cooperate may be terminated from employment. In the event of refusal to sign the release form or to submit to the test, the employee will be indefinitely suspended without pay until the supervisor can discuss with the Department Head the action to be taken.

C. Upon completion of any test that is not ordered on the basis of observable behavior, such as random tests or tests resulting from minor accidents, the employee is to return to work immediately unless they are injured. Upon completion of a test initiated due to observable behavior or symptoms, the employee will be driven home (or sent by cab) unless immediate medical treatment is necessary. The employee will be suspended with pay until test results are disclosed to the City. When the results are received, the employee will be contacted at home. The employee must advise the supervisor as to where they can be reached during this waiting period. The employee will be recalled to work immediately if the test results are negative and it is still during the employee's regularly scheduled work period.

### D. Drug Testing

1. Drug testing procedures, from collection of urine samples through reporting of results, will be handled by medical professionals using strict collection protocols, labeling, chain of

custody and confidentiality controls. Drug testing will be performed in a laboratory certified by the United States Department of Health and Human Services (DHHS) under its "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 53 FR 11970, April 11, 1988, and subsequent amendments thereto. Testing procedures shall conform to the procedures outlined by the Department of Transportation in 49 CFR Part 40, and subsequent amendments thereto, whether or not the employee being tested is subject to the Department of Transportation alcohol and drug testing requirements.

2. The employee shall provide a urine specimen in a location that affords privacy. Each urine specimen shall be divided into two bottles, sealed and labeled "primary" and a "split" specimen. Typically, only the primary specimen shall be opened and used for testing. The split specimen bottle will remain sealed and be stored at the laboratory in case additional testing is necessary. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the employee shall have seventy-two (72) hours to request that the split specimen be sent to another DHHS certified lab for analysis. This procedure provides the employee with a "second opinion."

3. The laboratory shall test the urine sample for the following drugs:

- a. marijuana
- b. cocaine
- c. amphetamines
- d. opiates
- e. phencyclidine (PCP)

4. All drug test results shall be reviewed and interpreted by a Medical Review Officer (MRO) before being reported to the City. If the lab reports a positive result to the MRO, the MRO shall contact the employee (in person or by telephone) and conduct an interview to determine if there is an alternative medical explanation. If the employee establishes to the satisfaction of the MRO that the employee has made legitimate medical use of the prohibited drug, the drug test result will be reported negative to the City's Human Resources Director.

5. If a drug test is positive, the MRO will convey the results to the City's Human Resources Director. A safety-sensitive employee who receives a positive test result must be removed from performing his safety-sensitive functions. The removal cannot occur until the MRO has interviewed the employee and determined with reasonable certainty that the positive result is valid.

6. If a drug test is determined to be diluted, adulterated, substituted, or invalid, the employee must submit to recollection and may be subject to do so without advance notice and under more stringent guidelines such as direct observation.

#### E. Alcohol Testing

1. Alcohol testing shall be conducted by a breath alcohol technician (BAT) using Evidential Breath Testing Devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA).

2. A screening test shall be done first. If the result is less than 0.02 alcohol concentration, the test shall be considered negative. If alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. Before the second confirmation test, a fifteen (15) minute waiting period must be observed. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. A log book shall be used in conjunction with any EBT used for screening tests with EBTs that do not meet the DOT requirements (e.g., the ability to print out the results, date and time, a sequential test number, and the name and serial number of the EBT). The log book shall include columns for the test number, date of the test, name of the BAT, location of the test, result displayed on the EBT, and initials of the employee taking each test.

3. The results of the alcohol screening test, and if applicable, the confirmation test, shall be reported by the BAT to the Human Resources Director.

4. Absent circumstances which reasonably cause a supervisor to suspect that a safety-sensitive employee is under the influence of alcohol, the employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

5. In some circumstances in which an employee is unable to perform a breath test as determined by the City, alcohol testing may be satisfied by a blood test conducted by federal, state, local or health care officials having testing authority.

### Section 3-22 Test Results

A. An alcohol test will be considered positive if the employee's alcohol concentration level is .04 or greater. An employee who tests positive for alcohol or drugs will face disciplinary action, up to and including termination.

B. An employee who, as a result of testing just before, during, or just after performing safety-sensitive functions, is found to have an alcohol concentration of 0.02% and greater but less than 0.04% shall be removed from performing such duties for at least twenty-four (24) hours and be placed on administrative leave, and shall be subject to disciplinary action.

C. While awaiting results of a reasonable suspicion test, an employee must remain available and ready to report for duty. If the results are negative, the employee should report to duty immediately following notification if it is still during a regularly scheduled work period. If the employee cannot be reached, his/her unavailability will be grounds for disciplinary action.

D. A positive drug or alcohol test will result in disciplinary action up to and including termination. In addition, under the Missouri Workers' Compensation Law, employees found to have alcohol or illegal drugs in their systems may receive a 50% reduction to total forfeiture of workers' compensation benefits.

### Section 3-23 Referral to Treatment

A. While a positive drug or alcohol test will result in disciplinary action up to and including termination, mitigating circumstances, if found conclusive, the Department Head, may allow for continued employment. Continued employment will be contingent upon the employee's successful completion of a prescribed treatment program, which shall include a written and specific commitment of the employee in the form of a "Letter of Agreement". Upon completion of the prescribed program, the employee must present a full release from the SAP/attending physician stating that the employee has successfully completed the program and is able to return to work without restrictions. The employee must authorize the release of information to the City concerning the nature of the treatment and rehabilitation program, the employee's cooperation and compliance under the program, and an evaluation and report of the results of the employee's participation in the program. If the employee refuses to cooperate with treatment, is not progressing in treatment, or commits a further violation of this policy, disciplinary action up to and including termination will occur.

B. Employees released from an approved rehabilitation program may be reinstated to their current position. The City may hold an employee's position open for him for a period of time determined by the Department Head in consultation with the ~~Board of Aldermen and the Mayor~~ **City Administrator** based on the needs of the City and other applicable policies. Reinstatement will be based on the employee's work history, length of employment, current job performance and existence of past disciplinary actions. Public health and safety responsibilities of the position will also be taken into consideration when making this determination.

C. Prior to reinstating a safety-sensitive employee to his safety-sensitive duties, the employee must have:

1. been evaluated by a SAP;
2. complied with any recommended treatment;
3. taken a return to duty alcohol test with a result of less than 0.02 or test negative on a urine drug test; and
4. be subject to unannounced follow-up drug or alcohol tests.

D. Any time off from work that an employee has to take to comply with the referral and testing requirements will be charged to vacation leave unless, based on the assessment by the SAP, the condition meets the requirements for sick leave. If the employee's appropriate leave balances are not sufficient, the time will be leave without pay. If disciplinary action of suspension (without pay) is implemented, the time off will be considered part of that suspension.

E. An employee who has been reinstated to his previous position shall be subject to unannounced follow-up tests for up to sixty (60) months after the employee has returned to work. A minimum of six (6) tests will be conducted in the first twelve (12) months after a return to duty. If any subsequent test results are positive on the employee, the employee may be terminated.

F. Employees who voluntarily come forward for treatment of a drug or alcohol problem will be referred for treatment, and will be afforded such leave as is necessary for the employee to complete the recommended regimen of treatment. Once enrolled in a treatment program, the conditions for

continued employment for an employee stepping forward voluntarily shall be the same as outlined in Section 3-23 E. above. Any employee who voluntarily comes forward to seek assistance for a drug or alcohol problem prior to being requested to submit to a drug or alcohol test will not be subjected to disciplinary action merely because they have sought assistance.

### Section 3-24 Work While on Medications

Employees taking over-the-counter or prescribed medication and not able to perform their jobs satisfactorily and safely should not report for work and should contact the supervisor under the usual sick leave procedures. If an employee comes to work and believes he or she is able to work while taking medication, and an issue concerning the individual's performance arises, it is expected that the employee's supervisor will contact the Human Resources Director for guidance due to HIPAA. Depending on the circumstances, and in consultation with the Human Resources Director, a drug or alcohol test may be appropriate, a medical certification may be necessary, the employee may need to be sent home (escorted, if appropriate), or other action may be required.

### Section 3-25 Confidentiality of Records

Except as provided by applicable laws and regulations regarding disclosure of records, all records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, and the SAP, when and as applicable. Employee alcohol and drug testing results and records are maintained as required by law. These records may be released only to others with the written consent of the employee, to the Department of Transportation or state agencies, or to a decision-maker in legal proceedings involving the testing. Employees may request in writing copies of any records pertaining to their use of alcohol or drugs or testing results. Applicants may request the results of employment tests within sixty (60) days of learning the disposition of the employment application.

### Section 3-26 Other Provisions

A. Employees who are recalled to duty (such as in the event of a snowstorm or police or fire emergency) must inform the supervisor if they are under the influence of drugs or alcohol. Employees in this situation who are under the influence or have alcohol in their systems should not report to duty. Failure to be able to report for duty due to drug or alcohol-related behavior when the employee is knowingly on-call or could reasonably expect to be called into work will be grounds for disciplinary action.

B. City employees who have reason to believe another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to a supervisor.

C. Employees must cooperate in any investigation relating to conduct prohibited by this policy. Failure to cooperate may result in discipline up to and including termination.

D. When a violation of this policy is suspected, the City reserves the right to search, without employee consent, all areas and property in which the City maintains full control, or areas where there is joint control with the employee, including, but not limited to, offices, desks or lockers. All City vehicles are subject to search by appropriate management personnel.



E. Employees must abide by the terms of this drug and alcohol policy and must notify the City of any criminal drug or driving under the influence arrest, conviction or diversion within one (1) working day.

## ARTICLE V—ANTI-FRAUD POLICY

### Section 3-27 Policy Statement

It is the policy of the City of Valley Park that employees who have a reasonable basis to believe that any employee or official of the City has engaged, or is about to engage, in an act of fraud are encouraged to make such information known to the appropriate responsible authority without fear of retribution.

### Section 3-28 Reporting Concerns/Complaints

A. The City encourages any employee who suspects that a fraudulent act may have been or is being perpetrated by any official or employee to report their concern or complaint in writing as follows:

Complaint Involves:

Fellow Employee  
Department Head  
Human Resources Director  
**City Administrator**  
Elected Official

Report Concern/Complaint to:

Department Head  
Human Resources Director  
~~Mayor and Board of Aldermen~~ **City Admin**  
**Mayor and Board of Aldermen**  
City Attorney

B. Any employee who reports suspected fraud under this section shall be protected from retribution. However, any employee who submits continuous complaints that are proven to be false or attempts to use this fraud policy to harass other employees may be subject to disciplinary action.

### Section 3-29 Investigation

Complaints shall be investigated in discreetly a manner as possible under the direction of the party to whom the report was made as designated above and the results thereof reported in writing to the complaining party, the person who is the subject of the inquiry and the **City Administrator**, Board of Aldermen and the Mayor. If the complaint involves an elected official, the results of the investigation shall be reported to the Human Resources Director and filed with the City Clerk. Access to reports and investigative documents and materials shall be governed by the City's Open Meetings and Records Policy.

## Chapter 4

## COMPENSATION

### Article I. Position Classification and Pay

- Article II. Performance Evaluation
- Article III. Overtime and Compensatory Leave Time
- Article IV. Fair Labor Standards Act (FLSA) Compliance

## ARTICLE I. POSITION CLASSIFICATION AND PAY

### Section 4-1 Position Classification System

- A. The position classification system establishes a hierarchy of the various job descriptions maintained by the City. The classification system is based on an analysis of the duties and responsibilities for each position, taking into account such factors as education, training and experience needed to perform the job; nature of the work involved; the degree of supervision exercised or received; and other measures of responsibility and difficulty.
- B. It is the responsibility of the Human Resources Director to prepare the position classification system for all City employment positions and maintain its integrity through periodic review.

### Section 4-2 Employee Compensation Plan

- A. The employee compensation plan establishes salary ranges for each classification, enabling the City to attract and retain well-qualified employees. The Human Resources Director is responsible for developing the salary ranges to assure their competitiveness with other municipalities in the St. Louis metropolitan area.
- B. An employee's actual salary within their range depends upon a number of factors including past job performance and length of tenure with the City. **Besides the City Administrator position**, an employee's initial salary is set by the Human Resources Director upon recommendation of the respective Department Head. **The City Administrator position's terms, conditions, salary and benefits shall be set forth by the Mayor and Board of Aldermen and may be in the form of a contract.**

### Section 4-3 Salary Progression – **Except City Administrator**

**Besides the City Administrator position**, all salary or hourly rate increases are contingent upon the availability of budgetary resources. No increases are automatic or mandatory. Listed below are the types of salary/hourly adjustments that an employee may receive.

- A. Merit Increases
  - 1. On an annual basis, the Board of Aldermen, **with input by the City Administrator**, may establish a merit pay pool to reward employees on the basis of their individual job performance.
  - 2. Formal performance evaluations are held for each full-time and part-time employee at the end of every fiscal year, and are the basis for any merit raises.
  - 3. Merit raises for full-time employees will be effective at the beginning of the new fiscal year, with the specific timing to be determined by the Human Resources Director.

4. If a merit increase puts an employee above the maximum of their salary/hourly range, that excess amount will be paid to the employee in the form of a one-time lump sum merit increase, and will not be added to the employee's base wage.

B. Promotions/Reclassifications to a Higher Grade

The following salary/hourly adjustments will be considered as minimum guidelines when an employee is promoted or their position is reclassified to a higher grade based on changes in duties and responsibilities.

1. An employee with a salary/hourly rate below the minimum of the new salary range will be eligible to be brought to the minimum or to receive an adjustment to their base salary of \$100 per month, whichever is greater.

2. An employee with a salary/hourly rate above the minimum of the new salary/hourly range will be eligible to receive an adjustment to their base salary of \$100 per month.

C. Demotions

1. When an employee is voluntarily or involuntarily demoted and their salary/hourly rate is above the maximum for their new salary/hourly range, their salary will either be decreased to the maximum for the new position, or remain fixed until it is equal to the maximum for the new position, at the discretion of the Department Head in consultation with the Human Resources Director.

2. An employee in such a situation remains eligible to receive an annual lump-sum merit increase as outlined in Section 4-3 A. 4. above if their performance so warrants.

D. Reclassifications to a Lower Grade Level

1. When an employee's position is reclassified to a lower grade and their salary/hourly rate is above the maximum for their new salary/hourly range, their salary/hourly rate shall remain at its current level until future adjustments to the salary/hourly range cause the employee's salary/hourly rate to fall within the range.

2. An employee in such a situation remains eligible to receive an annual lump-sum merit increase as outlined in Section 4-3 A. 4. above if their performance so warrants.

E. Step Increases for Employees Below Mid-point

**Except for the City Administrator position**, each year, subject to appropriation, full-time employees with salaries/hourly rates falling below the midpoint of their salary range may be eligible to receive a set salary/hourly rate adjustment on the anniversary date of their current position, if they have received a satisfactory performance evaluation for the most recent rating period. Employees meeting these same parameters who have taken a voluntary demotion within their own department, or a lateral transfer to a position with the same job title with no increase in salary/hourly rate, may be eligible for a step increase on the anniversary date of their previous position.

#### F. Temporary Increases

The Human Resources Director and Department Heads with the approval of the Board of Aldermen and the Mayor, may authorize a temporary increase in pay for an individual who is assigned for a specific period of time to fill a position that is at a higher pay grade than his own.

#### Section 4-4 Personnel Action Form

For each employee pay adjustment, a Personnel Action form shall be prepared and signed by the Department Head or his designee, and forwarded to the Human Resources Office for processing.

### ARTICLE II. Performance Evaluation

#### Section 4-5 Objectives

The performance evaluation system is designed to provide a meaningful assessment of employees and to ensure that this assessment is communicated to employees on a regular basis.

The objectives of the performance evaluation process are to:

- Provide feedback on job performance;
- Improve job performance by identifying areas where acceptable performance is lacking and by developing an action plan for improvement;
- Encourage ongoing dialogue between the supervisor and the employee;
- Identify employees with the capacity for assuming greater responsibility; and
- Determine employees who are eligible to receive merit increases.

#### Section 4-6 Schedule

The following schedule for formal performance evaluations is established, as a minimum. Nothing in this policy shall restrict a supervisor's ability to evaluate an employee prior to the schedule outlined below. Additional evaluations are useful to document performance and to alert an employee of performance deficiencies.

- A. Performance Trial Period Employees: performance evaluated within first six (6) months on the job.
- B. Part-Time and Full-Time Employees: performance evaluated on an annual basis at the end of the fiscal year.
- C. Temporary/Seasonal: performance evaluated at the end of the employment.
- D. Regular Employees on Approved Leave during Annual Performance Evaluation Time: performance evaluated upon their return to work, with any performance increase being retroactive to the first full pay period in October.

#### Section 4-7 Process

- A. Each employee shall be evaluated by his supervisor based on the duties and responsibilities of his position and his individual goals and objectives. The amount of merit increase an employee receives shall be based on how well he has performed the duties and responsibilities of his position and how well he has met his personal goals and objectives as set the prior year by the employee and the supervisor.
- B. In the case of full-time positions, supervisors shall use the applicable performance evaluation forms and goals worksheets provided by the Human Resources Director.
- C. Supervisors are encouraged to document situations and gather data throughout the year regarding the employee's performance that will enable the supervisor to incorporate actual examples into the evaluation process of both good performance and, when observed, sub-standard performance.
- D. Supervisors must obtain verbal approval from their Department Head of any written evaluation prior to meeting with an employee to discuss the evaluation.
- E. All completed evaluations shall be forwarded to the Human Resources Director.
- F. The City Administrator or their designee shall be responsible for completing all performance evaluations for the department heads, city clerk, bookkeeper and all other workers under his or her direct supervision.
- G. The Mayor or his/her designee shall be responsible for completing the performance evaluation for the City Administrator.
- H. The Municipal Judge shall be responsible for completing the performance evaluation for the Court Administrator.
- I. The Prosecuting Attorney shall be responsible for completing the performance evaluation for the Prosecuting Attorney's Assistant.
- J. No salary increases based on performance will be processed without a written performance evaluation, nor will any promotions or demotions be processed without the proper written documentation.

### ARTICLE III. OVERTIME AND COMPENSATORY LEAVE TIME

#### Section 4-8 Work Schedules

Department Heads are responsible for establishing a normal work schedule (days and times for scheduled work) for all positions and for designating the work period for each position.

#### Section 4-9 Overtime

A. All Non-exempt, Hourly Positions

1. Positions classified as non-exempt are subject to the overtime provisions of the Fair Labor Standards Act (FLSA). The Human Resources Office shall make a determination of exempt status in accordance with the FLSA, with the approval of the Human Resources Director.
2. For pay purposes (including overtime), employees working in non-exempt positions shall track their time worked in quarter hour increments.
3. Overtime pay shall be at 1 1/2 times an employee's hourly rate.
4. No employee shall be permitted to work in excess of his normal work schedule except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City. All overtime shall be approved in advance by the employee's supervisor.
5. Overtime calculations shall not include sick leave for work performed during planned City-sponsored events; however, overtime calculations can include all forms of leave in emergency call-in situations.
6. All non-exempt employees who are called in to work at a non-scheduled time will be paid a minimum of two (2) hours of overtime, unless it is less than two (2) hours before the start of, or immediately following, their regular working shift. Overtime pay for callbacks begins at the time the employee arrives at the work site. If an employee is called to duty less than two (2) hours before the start of his regular working shift, the employee will receive overtime pay for the work performed only from the time the employee arrives at the work site to the start of the employee's regular working shift.
7. Non-exempt employees in part-time and temporary/seasonal positions shall be paid overtime for any hours worked over 40 hours in a workweek.

B. Exempt, Salaried Positions

Exempt positions are not subject to the overtime provisions of the FLSA, and therefore, not eligible for overtime compensation. The Human Resources Director shall maintain a current listing of salaried positions, including **City Administrator**, Department Head, administrative, technical and professional positions, which may be required to work extra hours as a normal part of fulfillment of their job responsibilities. Extra hours shall be considered when establishing annual pay raises for exempt positions in accordance with the provisions of the Fair Labor Standards Act of 1986.

## Section 4-10 Compensatory Leave Time

A. If a supervisor and a non-exempt employee agree in advance, the supervisor may compensate a non-exempt employee with compensatory leave time instead of overtime pay. Similar to overtime pay, compensatory leave time is credited at 1.5 times the actual hours worked. Compensatory leave time can be used for the same reasons as vacation leave time.

B. The maximum accrual for non-exempt employees is forty (40) hours. The employee shall request to use compensatory time off from their supervisor and there may be restrictions based on seasonal workload for a department.

C. Accrued compensatory time is normally paid out at the time of separation. However, an employee may request a pay-out at any time, and it shall be at the sole discretion of the City as to whether to grant an early pay-out.

#### Section 4-11 Payroll Record Keeping

Departments will keep records of employee hours worked, including overtime and accruals of compensatory time. The departments will report all information to the Human Resources Director or City Clerk for payroll and record keeping purposes. Each department will arrange to reconcile their records with the Human Resources Director or City Clerk as needed. The records kept with the Human Resources Director or City Clerk will be recognized as the City's official payroll records.

### ARTICLE IV. FAIR LABOR STANDARDS ACT (FLSA) COMPLIANCE

#### Section 4-12 Policy Statement

It is the policy of the City of Valley Park to fully comply with the Fair Labor Standards Act (FLSA). In keeping with this commitment, the City will pay employees in exempt positions their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

#### Section 4-13 Reporting Concerns

It is further the policy of the City to promptly investigate and correct any improper payroll deductions or other payroll practices that do not comply with the FLSA. If an employee believes that an improper payroll practice -- such as an improper deduction from an exempt salary -- has occurred, he should immediately report this information to the Human Resources Office. All reports will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed. The same reporting procedure should be used if an employee feels their position has been incorrectly classified as either exempt or nonexempt.

## Chapter 5

## BENEFITS

Article I. Overview

Article II. Tuition Reimbursement Program

### ARTICLE I. OVERVIEW

#### Section 5-1 Policy Statement

In an effort to attract and maintain top quality employees, it is the policy of the City of Valley Park to provide employees with a benefits package that is competitive with other local municipal governments. Employees should refer to summary plan documents provided by the Human Resources Director for further information about the various benefits offered, including health and fitness, retirement, savings, disability and life insurance. In the event of a discrepancy between plan summaries maintained by the Human Resources Director and the provider's terms and limitations of a benefit plan, the benefit plan documents shall prevail.

The City reserves the right to modify or terminate fringe benefit programs as it deems necessary and at its sole discretion.

#### Section 5-2 Retirement Plan

All full-time employees and employees who work a set amount of hours totaling a minimum of 1,500 hours or more annually shall be enrolled in the Missouri Local Government Retirement Services (LAGERS). All benefits will accrue in accordance with the regulations set forth in the City's retirement plan.

#### 5-3 Health Insurance Benefits

All full-time employees are eligible for health and dental insurance benefits that are provided by the City. The City shall determine all premiums.

Provisions set forth by the City's health insurance provider will determine the date that coverage begins.

#### 5-4 Deferred Compensation

All employees of the City are eligible to participate at their own expense in the Deferred Compensation Programs selected by the City. Payroll deductions can be made for employees who choose to participate in these voluntary programs.

#### 5-5 Professional Dues

Employees may submit for budgetary review by the Board of Aldermen, professional municipal organization dues for payment by the City provided that the membership benefits the City in some form by assisting the employee with their assigned duties and responsibilities. Membership payments shall be subject to the availability of funds as provided in the annual budget.



## 5-6 Requests for Special Training

An employee who wishes to be considered for special training shall submit a request to the Department Head for approval by the Mayor, as long as such training costs are covered by the department's budget. The employee's past job performance and relevancy of the requested training shall be taken into consideration by the Department Head when making this recommendation. Training involving more than one hundred dollars (\$100.00) of City funds and/or more than one (1) day of out-of-town travel shall be approved by the **City Administrator** ~~Board of Aldermen~~ prior to enrollment.

## 5-7 Uniforms and Clothing Maintenance

Employees required to wear uniforms will be provided with such clothing as deemed appropriate by the Department Head. In such case, the employee shall be required to wear the uniform clothing and to return the full allocation of garments upon separation from City service. The City shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only en route to and from work and while on duty. If an employee wears a uniform outside of work, he shall not act in a manner that could bring embarrassment to the City.

The Board of Aldermen may establish a clothing stipend where deemed appropriate in lieu of providing uniforms. In such instances, the employee shall be fully responsible for all maintenance and replacement of uniform or clothing.

## 5-8 Use of City Automobile

City owned vehicles are to be used for official City business. City vehicles are only insured when driven by City employees. Any employee who allows someone other than a City employee to drive a City vehicle shall be subject to discipline. Unauthorized use or abuse of City vehicles by City employees shall result in the loss of use of the vehicle by the employee violating the rule in addition to the appropriate disciplinary action.

## 5-9 Mileage Reimbursement

Whenever an employee is authorized by his Department Head to use a personal vehicle in the performance of official City duties, and a City vehicle is not available, the employee shall be compensated for parking, tolls, and for mileage at the current Internal Revenue Service rate per mil.

All mileage compensation shall be as a result of authorized personal vehicle use.

## 5-10 Lodging and Daily Allowance

An employee's lodging expenses will be covered while traveling on City business. Employees are expected to be reasonable in the selection of accommodations. Any employee traveling on City business may receive, in addition to transportation and lodging expenses, a daily allowance for each day of a conference or meeting, plus no more than one (1) day's allowance for travel each way. The

purpose of this allowance is to cover ordinary expenses such as meals, tips, and other expenses directly related to the conference or meeting.

The total allowance will be granted to an employee before leaving, if requested by the employee in writing and approved by the Department Head. Upon return, the employee will be required to account for all expenses by submitting a detailed expense statement with receipts to the Department Head for review and approval. The employee will be required to return any unused portion of an advance not accounted for in the expense report. The daily allowance rate will be determined annually by the Board of Aldermen.

## ARTICLE II. TUITION REIMBURSEMENT PROGRAM

### Section 5-11 Program Guidelines

#### A. Purpose

The City of Valley Park recognizes that educational development can be mutually beneficial to the employee and the City. The City wishes to assist those employees who are seeking to further advance their careers through coursework at the community college or college level.

#### B. Eligibility

The tuition reimbursement program is open to all current full-time employees. The employee must also have successfully completed six months of employment with the City prior to the starting date of any course that is submitted for reimbursement under this program.

#### C. Requirements

1. Tuition reimbursement is available for both undergraduate and graduate level courses.
2. Courses or degrees shall be directly related to the employee's current job duties or promotability within the City of Valley Park organization. If an employee is working towards a degree, electives required for that degree will be reimbursed, although the particular course may not necessarily be job related. The employee must show a catalog or course listing of graduation requirements as documentation of classes required for a degree.
3. Correspondence/internet courses offered through accredited, land-based colleges or universities may qualify for tuition reimbursement.
4. Symposiums and training seminars do not qualify for the tuition reimbursement program, but may be reimbursable by the employee's department if prior approval from the Department Head has been obtained.
5. Tuition reimbursement may not exceed an annual (City fiscal year) total per employee of \$1,500. Tuition reimbursement for employees may be reimbursed up to:
  - 
  - 100% for all "A's"
  - 85% for all "B's"

- 70% for all “C’s” at the undergraduate level

6. Books, parking, health, laboratory, processing and computer fees or other assessed fees by the college are not expenses reimbursable by the City.

#### D. Process

1. An application for tuition reimbursement may be obtained through the Human Resources Director.

2. The employee must submit the completed application a minimum of two weeks prior to registration for approval by the Department Head and Human Resources Director.

3. After approval, the employee will receive notification that the City will pay according to the reimbursement scale upon the successful completion of the course.

4. Tuition reimbursement will be disbursed to an employee upon submittal of the required documentation to the Human Resources Director. To receive reimbursement the employee must submit the following:

- a. tuition reimbursement application approved prior to registration;
- b. itemized tuition receipt; and
- c. official grade report.

#### E. Other Sources of Financial Assistance

In instances where an employee receives other financial assistance (i.e., Pell Grant, scholarship), the City's educational assistance will apply only to those amounts not covered by those sources.

## Chapter 6

### LEAVE TIME

Article I.	Holidays
Article II.	Vacation Leave
Article III.	Sick Leave
Article IV.	Family and Medical Leave
Article V.	FMLA Military Family Leave
Article VI.	Military Leave
Article VII.	Civil Leave
Article VIII.	Other Leave
Article IX.	Administrative Leave
Article X.	Absences Without Leave Authorization

### ARTICLE I. HOLIDAYS

## Section 6-1 Official City Holidays

- A. The city observes eleven (11) official holidays throughout the year; however, Public Works employees shall not use the Day after Thanksgiving and Office Staff shall not use Truman's Birthday. Every employee is entitled to ten (10) official holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Truman's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Veteran's Day
- Christmas Day

- B. Holidays that fall on a Saturday will be observed on the preceding Friday, and those which fall on a Sunday will be observed on the following Monday.

- C. Non-exempt employees in full-time positions and part-time positions;

- D. Non-exempt Parks and Recreation Department employees in part-time and temporary/seasonal positions will be provided with a list of up to nine (9) Department-designated holidays by facility at the beginning of each calendar year.

Those part-time employees who are required to work on a Department-designated holiday will be paid one and a half (1 ½ ) times their hourly salary for the number of hours they work on that day. Employees in positions with the flexibility to set their own appointments and those employees not required to work shall not be paid for working holidays.

- E. Other temporary/seasonal employees will not receive holiday pay unless they are required to work. Those temporary/seasonal employees who are required to work on a City-observed or actual holiday will be paid one and a half (1 ½ ) times their hourly salary for the number of hours they work on that day.

- F. Exempt employees in full-time positions:

1. who are not required to work on the day of a City-observed or actual holiday will receive the regular pay they would normally receive for the day the City observed or actual holiday falls; and
2. who are required to work on a City-observed or actual holiday may take an alternate workday off in addition to receipt of any regular pay. Utilization of the day off shall be arranged between the employee and his supervisor. Such day off shall be taken within one

year of the date of the holiday or it is forfeited. Any unused days are not compensable upon separation.

## Section 6-2 Safety Incentive Days

All full-time employees also receive two (2) paid safety incentive days per calendar year as long as there are no noted safety violations in the previous year. For the calendar year in which an employee is initially hired, the employee will receive the following prorated number of personal holidays based on hire date. There is no waiting period to use the personal holidays. Usage must be scheduled with the employee's immediate supervisor and requests may be denied based on workload needs of the department. Such safety incentive days must be taken within the calendar year or they are forfeited. Any unused days are not compensable upon separation.

## ARTICLE II. VACATION LEAVE

### Section 6-3 Full-Time Employees

A. Over the course of a calendar year, full-time employees shall earn vacation leave as shown on the schedule below:

<b><u>Length of Service</u></b>	<b><u>Vacation Benefits</u></b>
1 year (6 months completed)	40 hours
2-8 years	80 hours
9-15 years	120 hours
16-19 years	160 hours
20 years or more	200 hours

B. Employees who are terminated or resign with less than six (6) months of service shall not be paid for any accrued vacation leave. Upon termination or resignation, employees with more than six months of service shall be compensated for all earned, unused vacation leave. In case of death, compensation shall be paid to the beneficiary or executor of the employee's estate.

C. Employees shall be allotted vacation on their work anniversary date so that it can be scheduled over the twelve (12) month period after it has been earned. This allotment shall include any increase in vacation time as earned by the employee on their anniversary date due to years of service.

D. At the discretion of the Department Head, employees may use vacation in fifteen (15) minute increments.

E. Department Heads shall establish guidelines for scheduling vacations, including prior notification requirements. Employees are urged to take vacations during "off peak" periods of their department's workload. Vacation requests may be denied based on workload needs of the department. Employees may be recalled from vacation leave or may have their scheduled vacation leave postponed in the event the Mayor and/or Department Head declares that an emergency situation exists or if the workload necessitates the employee's presence. When an employee is recalled from vacation leave, the employee's vacation leave will be rescheduled at the earliest convenient time.

- F. A holiday that occurs during a vacation leave is not counted as a day of vacation unless an employee was scheduled to work the holiday and was granted the day off
- G. Sick leave may be substituted for scheduled vacation leave if the employee is unexpectedly faced with a situation that is considered sick leave. A written substantiation of the situation may be required upon the employee's return to work.
- H. Department Heads are responsible for maintaining adequate records for each employee that reflect accrual, usage, and accumulation of vacation time for all employees. Supervisors are responsible for monitoring balances and considering those when reviewing vacation leave requests.
- I. See also Section 6-19 for how vacation accruals are affected during a leave of absence without pay.

#### Section 6-4 Part-Time Employees

- A. Part-time employees hired prior to September 1<sup>st</sup>, 2016- On the employee's next anniversary date, if the employee has worked at least 1,040 hours with no break in service during the prior twelve (12) month period, the employee shall be credited with vacation leave on a prorated schedule of the rates listed above in Section 6-3 A. The amount of hours credited shall be based on the number of hours actually worked in the prior twelve (12) months. Subsequent vacation accruals for future years will be earned as listed in B. below.
- B. Part-time employees hired after September 1<sup>st</sup>, 2016 or whose eligibility for the accrual in A. above has passed - On the employee's anniversary date, if the employee has worked at least 1,040 hours during the prior twelve (12) months and a minimum of forty (40) hours per month, the employee shall be credited with vacation leave. The credit will be calculated as follows: number of hours actually worked/2080/2 \* 96.
- C. Vacation leave and sick leave taken are not considered hours actually worked, and therefore, shall not be included in the above calculations.
- D. Vacation leave shall be credited each year on the first of the month following the employee's current anniversary date.
- E. At any point in time, a part employee shall not carry a balance of more than thirty-four (34) hours of vacation leave on the books.
- F. Upon termination or resignation, part-time employees shall be compensated for all credited, unused vacation leave. In case of death, compensation shall be paid to the beneficiary or executor of the employee's estate.
- G. The provisions of Section 6-3 E. through I. above also apply to part-time employees.

### ARTICLE III. SICK LEAVE

#### Section 6-5 General Provisions

- A. Sick leave may be used for the following purposes:
1. Personal illness or injury.
  2. To attend an appointment with a health care provider. Employees are expected to attempt to schedule medical appointments after work hours or on days off, and/or at the beginning or end of their normal work schedule.
  3. To attend to a member of the employee's immediate family residing in the employee's household whose illness requires the employee's presence. A health care provider's statement may be required. See Chapter 6 for additional provisions regarding the Family and Medical Leave Act, including twelve (12) week limitation.
- B. At the discretion of the Department Head, employees may use sick leave in fifteen (15) minute increments.
- C. To be eligible for paid sick leave an employee shall notify his immediate supervisor of the reason for his absence as far in advance as possible. Absent extraordinary circumstances, employees must notify their supervisor at least one half hour before their scheduled work period. Employees who do not notify their supervisor of sick leave within one hour after their scheduled shift start may be considered on unauthorized leave. An employee must keep his supervisor informed of his condition each day of his absence, or at any longer interval authorized by the supervisor.
- D. An employee who takes sick leave may be required at any time to submit a statement from a health care provider that the employee's condition or that of his family member's, prevented him from working. Such a statement will be required in all instances where three (3) or more consecutive work periods are missed.
- E. Any employee returning to work after an absence for a serious medical condition will be required to submit a statement to their supervisor from their health care provider indicating that they can safely resume their work. The statement must specify that the employee can perform the essential functions of their job, with or without a reasonable accommodation. If an accommodation is needed, that should be described. To help make this determination, the Department Head will provide a written job description upon request from either the employee or physician. Statements shall be forwarded to the Human Resources Director for a decision regarding accommodation. In the case of a request for light duty, the City reserves the right to deny it at its sole discretion if no suitable work is available. The City also reserves the right to require the employee to undergo another medical exam at the City's direction and cost to assure an employee is capable of safely resuming work.
- F. Suspected abuse of sick leave will be investigated by the employee's supervisor or Department Head. Abuse of sick leave will result in appropriate disciplinary action, up to and including termination.
- G. No employee may work an outside job while on sick leave from the City.
- H. An employee's final paycheck may be docked for any sick leave taken by the employee in their final work week per the provisions outlined in Chapter 9, Article I., Section 9-2.

## Section 6-6 Full-Time Employees

- A. Full time employees accrue sick leave at an approximate rate of 14 hours per quarter. Full-time employees are eligible to begin using accrued sick leave after one (1) month of employment with the City.
- B. Shall be allotted sick leave at the beginning of the calendar year, however, it shall be earned by employees as outlined in A. above.
- C. May carry sick leave forward from year to year and may accumulate leave balances until a maximum of one hundred twenty (120) sick days have been accrued. Beyond those maximums, no additional sick leave will accrue. Any employee whose accrued balance exceeds these caps as of July 14, 2016, will not receive another accrual until such start of a calendar year in which the balance has fallen below the cap.
- D. May exercise their sick leave for personal illness or non-work related injury as specified in Section A. above. Accrued sick leave for such reasons may not be utilized in periods greater than six (6) consecutive calendar months, by which time an employee should have ample opportunity to apply for long-term disability benefits, if applicable. As specified in the current plan, long-term disability benefits are available to employees after they become unable to perform their job and are absent for ninety (90) days or longer. Once an employee has been approved for long-term disability, sick leave benefits will cease. However, any earned, unused sick leave balances remaining will be eligible for payout as specified in E. below.
- E. May receive some compensation for accrued but unused sick leave as specified. Subject to appropriation employees having served five (5) years of continuous employment or more with the City may be paid twenty-five percent (25%) of any earned, unused sick leave balances upon their separation from employment. An employee who is terminated for cause or who fails to provide the requested notice of their resignation as specified in Chapter 9, Article I., Section 9-2, will not be paid any compensation for accrued but unused sick leave.
- F. See also Section 6-19 for how sick leave accruals are affected during a leave of absence without pay.

## Section 6-7 Part-Time Employees

- A. Hired prior to July 15, 2016 - On the employee's next anniversary date, if the employee has worked at least 1,040 hours with no break in service during the prior twelve (12) month period, the employee shall be credited with sick leave on a prorated schedule of the rates listed above in Section 6.6 A. above. The amount of hours credited shall be based on the number of hours actually worked in the prior twelve (12) months. Subsequent sick leave accruals for future years will be earned as listed in B. below.
- B. Part-time employees hired after July 15, 2016 or whose eligibility for the accrual in A. above has passed - On the employee's anniversary date, if the employee has worked at least 1,040 hours during the prior twelve (12) months and a minimum of forty (40) hours per month, the employee shall be credited with sick leave. The credit will be calculated as follows: number of hours actually worked/2080/2 \* 96.



C. Vacation leave and sick leave taken are not considered hours actually worked, and therefore, shall not be included in the above calculations.

D. Sick leave shall be credited each year on the first of the month following the employee's current anniversary date.

E. Sick leave benefits can only be used for the hours an employee has been scheduled to work. If the leave is for an extended period (such as FMLA) and no schedule has been established, the leave benefits can be used up to the average number of hours worked per week in the preceding year.

F. Sick leave may be carried forward from year to year and may accumulate until a maximum of ninety (90) hours has been accrued.

G. Upon termination or resignation, no compensation shall be paid for unused sick leave.

## ARTICLE IV. FAMILY AND MEDICAL LEAVE

### Section 6-8 Policy Statement

The Family and Medical Leave Act (FMLA) allows eligible employees up to twelve (12) weeks of leave from work in a twelve-month period to deal with personal and family medical matters and for birth or adoption of a child. The twelve (12) month period is “rolling”, measured forward from the date an employee uses any FMLA leave. If the employee has accrued paid leave available for use for family or medical purposes, the paid leave shall be applied toward the requested leave. Any remainder of the twelve week entitlement for which no applicable leave is available, if taken, shall be taken as unpaid leave. Upon completion of any approved family or medical leave, the employee will be reinstated to their employment position, or a fully equivalent position. No employee may work an outside job while on FMLA leave from the City.

### Section 6-9 Eligibility/Types of Leave Covered

A. Employees who meet the following criteria are eligible for family and medical leave:

1. have been employed by the City for at least twelve (12) months which does not have to be consecutive service; AND,
2. have worked at least 1,250 hours in the twelve (12) months immediately preceding the requested date for beginning leave.

B. In order to qualify as approved family or medical leave under this policy, the employee must be taking the leave for one of the following purposes:

1. the birth of an employee's child and to care for that child;
2. the placement with an employee of a son or daughter for adoption or foster care and to care for the newly placed child;

3. to care for the employee's spouse, child (under the age of 18 or incapable of self-care because of mental or physical disability that limits one or more major life activities), or own parent with a serious health condition; or

4. for a serious health condition of the employee that makes him unable to perform one or more of the essential functions of his job.

C. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either:

1. an overnight stay in a hospital, hospice or residential medical care facility involving any period of incapacity (defined as inability to work, attend school or perform other regular daily activities due to the serious health condition), treatment or recovery from that condition; or

2. continuing treatment by a health care provider for:

- a period of incapacity for more than three consecutive full calendar days, plus one treatment by a health care provider within seven days of incapacity coupled with a continuing regime of treatment OR two treatments by a health care provider within thirty days of incapacity with the first treatment occurring within seven days of incapacity with the treatment involving an in-person visit and a determination by the healthcare provider as to whether a second visit is required;
- any period of incapacity related to pregnancy or for prenatal care; any period of incapacity for a chronic serious health condition requiring at least two visits per year for treatment by a health care provider;
- a permanent or long-term condition for which treatment may not be effective, requiring supervision by a health care provider; or
- any absences to receive multiple treatments for restorative surgery (including recovery from those treatments) or for a condition which would likely result in a period of incapacity of more than three full calendar days if not treated by a healthcare provider or by a provider of health care services under orders of, or on referral by, a health care provider for restorative surgery or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

## 6-10 General Responsibilities

A. Employee responsibilities include the following:

1. To provide thirty (30) days advance notice to their supervisor of the need to take family/medical leave when it is foreseeable for the birth or placement of a child for adoption or foster care, or for planned medical treatment. When unforeseen events occur that require family/medical leave, employees must give notice as soon as practicable, within one (1) or two (2) working days upon taking of the leave.

2. To provide, when required, a medical certification.
3. To report periodically to their supervisor during their leave to provide information regarding their leave status, as required.
4. To report an estimated date of return to work when reasonably known.
5. To provide a medical report indicating that they are able to resume work and when they intend to return to work.

B. Department Head/supervisor responsibilities include the following.

1. To notify the Human Resources Director of requests for family/medical leave and to send the employees notification of the conditions regarding the leave.
2. To monitor the status of leave granted to employees.
3. To reinstate eligible employees to their positions, or fully equivalent positions, upon the conclusion of leave.
4. To maintain records of the requests for leave and the dates and time of any leave taken under this policy, and to forward copies of all documentation received to the Human Resources Director.

## Section 6-11 Procedures

1. An employee must give thirty (30) days' notice to their supervisor of the intent to use family leave or planned medical leave. If it is not possible to give thirty (30) days' notice, the employee must give as much notice as is practicable. This is to be accomplished through the completion of a FMLA request, available from the Human Resources Office.
2. Leave taken for the birth of an employee's child, or for care of that child following birth, or for the placement of a child for adoption or foster care, must be taken and fully completed within one (1) year from the date of birth or placement.
3. Spouses who are both employed by the City are entitled only to a single total of twelve (12) weeks of leave for the birth, adoption, or foster care of a child, and that leave must be completed within one (1) year from the date of birth or placement.

B. Medical Certification

1. An employee will be required to provide medical certification to support a family/medical leave for a serious health condition or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of their position as well as the nature of any work restrictions and the likely duration of such disability. For leave to care for a seriously ill child, spouse or parent, the certification must include information sufficient to establish that the family member is in need of care and an estimate of the amount of time the employee is

needed to provide care. Periodic requests for certification updates may be requested by the supervisor.

2. If there is any question concerning the validity of the certification, the City may use a health care provider, a human resource professional, a leave administrator, or a management official — but not the employee's direct supervisor — to authenticate or clarify a medical certification of a serious injury or illness.

#### C. Intermittent Leave

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule, at the choice of the employee. An employee may be reassigned to an equivalent position to better accommodate recurring periods of absence or a part time schedule. For birth, adoption or foster care of a child, intermittent leave or a reduced work schedule must be mutually agreed upon by the employee and the Department Head. The employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation.

#### D. Pay Considerations

1. When leave is granted for the employee's own medical care, or for a serious health condition of a spouse, child or parent, any personal holidays, accrued sick and vacation benefits, and accrued compensatory time available to the employee will be utilized and applied toward the twelve (12) week entitlement.

2. For the birth, adoption or foster care of a child, personal holidays, accrued vacation benefits, and accrued compensatory time available to the employee will be utilized and applied toward the twelve (12) week entitlement. Accrued sick leave may or may not be applied depending on the specific medical circumstances involved.

3. When available leave as specified in 1. and 2. above has been fully used, then the employee will be eligible to take unpaid leave for the remainder of the twelve (12) week entitlement.

#### E. Benefits

1. If the employee is a participant in the City's health care program the City will continue to contribute its share toward health care benefits while the employee is on paid or unpaid leave under this policy. Employees are advised to make arrangements with the Human Resources Director to pay for the employee's share of the health care benefits during an unpaid leave. If the payment is more than thirty (30) days late, health care coverage will be dropped, but will be reinstated upon the employee's return to work.

2. If the employee chooses not to return to work for reasons other than a continued serious health condition or due to other circumstances beyond the employee's control, the employee will be required to reimburse the City the amount it paid for the employee's health insurance premium during the unpaid leave period.

3. See also Section 6-19 for how vacation and sick leave accruals, as well as holiday pay, are affected during a leave of absence without pay.

## ARTICLE V. FMLA MILITARY FAMILY LEAVE

### Section 6-12 Policy Statement

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter or parent. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness.

### Section 6-13 Eligibility/Types of Leave Covered

A. Employees who meet the following criteria are eligible for military family leave:

1. have been employed by the City for at least one (1) year which does not have to be consecutive service; AND,
2. have worked at least 1,250 hours in the twelve (12) months immediately preceding the requested date for beginning leave.

B. In order to qualify as approved military family leave under this policy, the employee must be taking the leave for one of the following purposes within the parameters specified:

1. **Military Caregiver Leave:** An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to a total of 26 workweeks of leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered service member also includes a veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating; or from a preexisting serious injury or illness that was aggravated by the service member's active duty service in the military. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the single 12-month period. Only 12 of the 26 weeks total may be for an FMLA-qualifying reason other than to care for a covered service member.

2. **Qualifying Exigency Leave:** An eligible employee may take up to a total of 12 workweeks of leave during the normal 12-month period established by the City for FMLA leave (which is a rolling 12-month period measured forward from the date an employee uses leave) for qualifying exigencies arising out of the fact that the employee's spouse, son,

daughter, or parent is on active duty, or has been notified of an impending call or order to active duty in a foreign country. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard, Reserves or Regular Armed Forces.

Qualifying exigencies generally include:

- issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification; military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or daycare facility, and attending certain meetings at a school or a daycare facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- making or updating financial and legal arrangements to address a covered military member's absence;
- attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- taking up to five days of leave to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during deployment;
- attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
- any other event that the employee and employer agree is a qualifying exigency.

#### Section 6-14 Additional Provisions

A. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

B. FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a

covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

C. Personal holidays, accrued vacation benefits and accrued compensatory time available to the employee will be utilized and applied toward the entitlement. Accrued sick leave may or may not be applied depending on the specific medical circumstances involved. When available paid leave has been fully used, then the employee will be eligible to take unpaid leave for the remainder of the entitlement.

D. Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable — generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case.

E. The City requires that an employee's request for military family leave be supported by an appropriate certification. This includes:

1. leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;

2. leave to care for a covered service member with a serious injury or illness be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

F. The City may use a health care provider, a human resource professional, a leave administrator, or a management official — but not the employee's direct supervisor — to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, the City may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

## Section 6-15 Military Leave

A. Employees who serve in the uniformed services of the United States will be granted a military leave of absence for a cumulative period of up to five (5) years, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.

B. For all periods of military service during which employees are engaged in the performance of duty or training in the service of the State of Missouri at the call of the Governor and as ordered by the Adjutant General, the leave period with pay shall be indefinite.

C. For all periods of military service during which employees are engaged in the performance of duty in the service of the United States under competent orders, the leave period with pay shall be up to 120 hours per federal fiscal year (October 1 through September 30) for training or activation.

D. After expiration of 120 hours of paid leave for federal service, for any additional times of compulsory service due to activation but not training, employees shall have their military pay supplemented by the City in an amount not to exceed their regular City pay, for a period up to six (6) months. Additional military leave shall be unpaid unless the employee chooses to utilize accumulated vacation or compensatory leave.

E. Requests for military leave should be in writing to the employee's immediate supervisor, accompanied by a copy of the official orders.

F. Seniority and benefits based on seniority, such as pension, shall continue to accrue during the period of military leave.

G. The employee may elect to continue health and dental care coverage for himself and his dependents during military leave.

1. Coverage ends after twenty-four (24) months, or on the date the employee fails to return or apply for return to employment as required under USERRA.

2. The employee's insurance premium obligation will be at the current rate for employee participation during the initial thirty-one (31) days of military leave.

3. Employees on military leave exceeding thirty-one (31) days will be required to pay the full premium cost.

H. A veteran who satisfactorily completes service in the uniformed services will be restored to his previous position, or a position of like seniority, status and pay, in accordance with the guidelines established under USERRA.

1. As required under USERRA, upon completion of the period of military service, the returning veteran must notify the City's Human Resources Director that he intends to return to work.

2. An employee who is reemployed under this policy is entitled to the seniority and other rights and benefits determined by seniority that he had on the date his uniformed service began. The employee is also entitled to any additional seniority and rights he would have had if he had remained continuously employed.

I. A veteran reemployed under this policy shall not be discharged from employment, except for cause:

1. within one (1) year after the date of reemployment, if the employee's period of military service before reemployment was more than 180 days, or

2. within 180 days after the date of such reemployment if the employee's period of military service before reemployment was more than thirty (30) days but less than 181 days.



## ARTICLE VII. CIVIL LEAVE

### Section 6-16 Court Appearance

- A. If a full-time employee is summoned to serve jury duty or subpoenaed to appear as a witness in a case where he is neither the plaintiff nor the defendant, he shall make arrangements with his supervisor to comply with the summons or subpoena, and will be granted paid leave.
- B. If the required time off from work extends beyond five (5) calendar days, all fees received for such service (other than meal and/or travel allowances) shall be turned in to the Department Head.

### Section 6-17 Personal Civil or Criminal Trial

If an employee is involved in court in a personal case, either as plaintiff or defendant, he may be granted leave. The time he takes off shall be considered vacation leave, or leave of absence without pay if vacation time is unavailable.

### Section 6-18 Voting

- A. In accordance with state law, the City of Valley Park allows any person entitled to vote at any election in Missouri up to three hours of paid time off to vote.
- B. An employee must request this accommodation prior to election day.
- C. Paid time off to vote is not provided if the polls are open for three successive hours when the employee is not at work.
- D. The supervisor is responsible for specifying the three hours between the time the polls open and when they close during which the employee may take time off to vote.
- J. Employees exercising their rights under this policy will not be subject to any threat of discharge, penalty or discipline.

## ARTICLE VIII. OTHER LEAVE

### Section 6-19 Leave Without Pay

- A. The Board of Aldermen and the Mayor may grant a full-time employee leave without pay for a period not to exceed one (1) year when the City, in its sole discretion, determines that it is in the interest of the City to do so.
- B. Leave without pay will only be approved after all personal holiday, vacation, and compensatory time leave balances, and sick leave balances (if relevant to the specific situation) are exhausted and only if department staffing permits.

C. At the expiration of the leave without pay, the employee may be reinstated to the position he vacated or to any other position in the same class depending on availability and any relevant laws. During the employee's absence, his position may be filled.

D. Benefits Available: No sick or vacation leave will accrue to an employee during a leave without pay that extends through one complete payroll period. Additionally, employees will not be paid for holidays that occur during a leave without pay. Approved leave without pay shall not constitute a break in service, subject to the provisions of the benefit plans and insurance policies. Continuation of benefits shall be determined by the Human Resources Director, subject to the limitations of the insurance policies, on a case by case basis.

#### Section 6-20 Funeral Leave

A. Depending on required travel, extent of family responsibility, and other circumstances, up to three (3) days of leave with pay may be granted to full-time employees to attend the funeral of an immediate family member. The number of paid days off merited by the circumstances shall be the decision of the Department Head.

B. An employee may request the use of accrued personal holidays, vacation, compensatory time, or sick leave (if applicable to the specific circumstances) if more time off is needed or desired, or to attend other funerals that are not of immediate family members.

#### Section 6-21 Facility Closings

A. In the event the Mayor approves the early closure of any City facilities and sends employees home prior to the end of their normally scheduled work period, those employees will not be charged any vacation time for leaving at the time the Mayor so designates. Employees regularly scheduled to work on those days in which a facility is closed early, and who leave earlier than the time designated by the Mayor or who do not make it to work that day, will be charged applicable leave time for the total number of hours for which they were scheduled to work but did not.

B. In the event the Mayor determines that a City facility will not open at all on a given day and employees of the facility are advised not to report to work, employees will not be charged vacation time for that day.

#### Section 6-22 Shift Trading

Any shift trading or work substitutions must be reported to and approved by the employee's supervisor.

### ARTICLE IX. ADMINISTRATIVE LEAVE

#### Section 6-23 Administrative Leave

A. The Human Resources Director may institute an administrative leave when:

1. an employee has been arrested for a serious crime and is imprisoned pending trial or released on bail pending trial;
2. the employee has been charged with misconduct while on the job and the misconduct is being investigated;
3. a disciplinary action is pending; or
4. when it is in the best interest of the City not to have the employee at the work site.

B. A Department Head or supervisor may place an employee on administrative leave immediately for the rest of the work period if it is determined that:

1. there is a reasonable suspicion that the employee is under the influence of drugs or alcohol;
2. the employee is a danger to himself, other employees, or members of the public;
3. the employee is grossly insubordinate and is causing disruption of normal operations; or
4. it is in the best interest of the City not to have the employee at the work site.

C. An employee may be paid during administrative leave for up to a maximum of thirty (30) calendar days. After thirty (30) days, if the City deems it appropriate that the administrative leave should continue, the Mayor may approve an extension of the administrative leave, with or without pay, or require that the employee use vacation leave, or if such leave has been depleted, leave without pay. All normal benefits will continue during the administrative leave.

D. During administrative leave, the City may pursue disciplinary action if warranted, up to and including termination. If termination occurs, administrative leave also ends.

K. When an employee is placed on administrative leave, the supervisor may require that the employee return City property such as building keys and access cards, pager, identification cards, badges, etc. Also, the employee's computer access may be deactivated.

## ARTICLE X. ABSENCES WITHOUT LEAVE AUTHORIZATION

### Section 6-24 Unauthorized Leave

A. Any unauthorized absence of an employee from duty shall be deemed as absent without leave and without pay, and may be grounds for disciplinary action, up to and including termination.

B. Absence without leave shall be construed to be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify his immediate supervisor of such absence no later than within one (1) hour of his regular shift start, except in extenuating circumstances.

C. Any absence without leave authorization extending through three or more consecutive work periods of an employee shall be deemed a voluntary quit/job abandonment.

D. A personnel action form and/or a written statement from the appropriate Department Head regarding the unauthorized absence by the employee will be placed in the employee's personnel file.

E. Employees who terminate employment due to an absence without leave and any eligible dependents of the employee are eligible to continue their health coverage through COBRA for a designated period of time at full premium cost and will be requested to complete the necessary paperwork to indicate whether they decline or accept coverage.

## Chapter 7

### EMPLOYEE SAFETY

Article I. Accident Prevention

Article II. On-the-Job Injuries

Article III. Security in the Workplace

#### ARTICLE I. ACCIDENT PREVENTION

##### Section 7-1 Objective

It is the objective of the City of Valley Park to prevent injuries and loss to property by having all work performed in a safe and efficient manner. This policy applies to all City employees.

##### Section 7-2 General Rules

A. The City recognizes accident prevention as an essential part of every employee's job, and expects all work to be carried out in a safe manner in order to prevent injuries either to employees or other persons, damage to property, or interruption of service.

B. Responsibility and authority for the actions necessary to prevent accidents rests with the immediate supervisor as an integral part of his job. The Humans Resources Director and Department Heads will provide leadership and encouragement for preventing accidents to the first level supervisor, and through him, to employees.

C. Employees will be provided appropriate training and informational sessions regarding health and safety measures that will further reduce the risk of accidental loss in the workplace.

##### Section 7-3 Implementation

A. Employee Safety Committee

1. Membership: The Committee shall include representation from all departments. Members shall be appointed for two-year terms by the respective Department Head. A Department Head may appoint more than one (1) representative from his department if he feels it will be beneficial. If a department has only one (1) representative, the Department Head shall appoint an alternate representative. The alternate shall represent the department at any committee meeting where the designated representative cannot be present.

2. Responsibilities: The Committee shall be responsible for:

- a. promoting organizational and individual awareness about safety;
- b. reviewing on-the-job injuries and discussing ways to prevent similar accidents in the future;
- c. periodically inspecting City operations and facilities to make recommendations for changes that would remove potential hazards in work areas;
- d. making recommendations for training programs, policies, and procedures which would reverse negative accident trends; and
- e. responding to legislative mandates regarding safety to ensure compliance.

3. Meetings: Meetings shall be held on a quarterly basis, at a minimum.

#### B. Employee's Responsibilities

To carry out the City's accident prevention policy, each employee shall:

- 1. know and use safe and effective methods of doing his job;
- 2. use appropriate safety devices at all times;
- 3. recognize and respect any hazards encountered;
- 4. take time to learn safe operating procedures for new equipment;
- 5. exercise due care for his own safety and others through team work and cooperation; and
- 6. report in good faith, potential hazards to the supervisor.

#### C. Supervisor's Responsibilities

Each supervisor shall know and apply the City's accident prevention policy and shall impart the same knowledge, acceptance, and application of this policy to the people they supervise. The supervisor's planning, assigning, and control of work shall include these specific activities which will help prevent accidents.

- 1. Observe employees' work methods and habits continually and take corrective action or communicate praise, as appropriate.
- 2. Impart good habits and attitudes by example.
- 3. When an accident does occur, immediately report it to the City's Human Resources Director, make a complete investigation of causes and take action for future prevention.
- 4. Encourage employees to report, in good faith, all potential hazards with no criticism or job discipline resulting to the employee, even if it is later determined that no hazard existed.

#### D. Department Head Responsibilities

In addition to providing general leadership for accident prevention, Department Heads shall see that appropriate training is provided to supervisors on the following:

1. accidents most likely to occur and appropriate control measures;
2. interviewing and counseling techniques related to safety issues;
3. preparation of complete cause and corrective action reports for any accident that causes or could have caused injury;
4. analysis of accident records, including for traffic accidents involving employees;
5. dealing with alibis or excuses for accidents; and
6. employee recognition techniques for good safety records and practices.

## ARTICLE II. ON-THE-JOB INJURIES

### Section 7-4 Workers' Compensation

#### A. Policy

It is the policy of the City to provide City employees with injury compensation payments in compliance with the Workers' Compensation Laws of the State of Missouri. On-the-job injuries and work-related illnesses that are compensable under the law are covered by this policy. Accidents or illnesses related to an employee's alcohol/drug abuse or to flagrant disregard of work rules/safety procedures can result in reduction or denial of benefits.

#### B. Procedures

1. It is the duty of the employee to report all work-related injuries or illnesses to their immediate supervisor as soon as possible. The supervisor will work with the employee to review the circumstances and fill out an "Employee Accidental Injury Report" form. The City's Human Resources Director should be notified immediately if the injury/illness occurs during normal working hours, and the information should be routed first to the Human Resources Director within twenty-four (24) hours of the occurrence. The Human Resources Director shall then arrange for appropriate signatures from the Mayor.
2. When an injury or illness requires medical attention, the employee should notify their supervisor, and either the supervisor or Human Resources Director will call in authorization for the employee to report to the designated healthcare facility for immediate treatment. Also, in cases of accidents/injuries, the employee will be sent for drug/alcohol screening in accordance with the City's policies, even if medical attention is not required or the employee chooses to seek his own medical attention (see Chapter 3, Article IV — Drug and Alcohol Requirements). If the employee chooses to select his own health care provider from which to receive medical attention, he will be initially responsible for all medical costs incurred, and these may or may not be deemed eligible for reimbursement at a later date. If an emergency occurs and the employee is not safely able to reach the designated facility for treatment, the employer/insurer will pay for treatment at the closest facility.

3. An accident investigation will be performed as soon as possible by the employee's supervisor, in coordination with the Human Resources Director. The Employee Safety Committee representative from the injured or ill employee's department may also be requested to assist.

4. Any employee who is determined by the designated physician to be unable to report to work will be contacted by the supervisor the day following the occurrence, and on a weekly basis until the employee is cleared for "return-to-work" or "light duty" (at the discretion of the Human Resources Director). The supervisor will ask questions regarding treatment, recovery progress, anticipated return, and any personal recreation or travel activities. Employees are prohibited from performing any other employment including otherwise approved outside employment activities during periods of disability in which they are receiving medical and wage payments. The supervisor will forward "call reports" to the Human Resources Director and the Department Head on a weekly basis.

5. The City's Safety Committee will review accident and injury information on a regular basis in an effort to identify problems and make recommendations for the prevention of future accidents.

## Section 7-5 Benefit Levels

### A. Lost Time Incidents/Disabilities

1. For employees who experience lost time from work due to an on-the-job injury or work-related illness, the Workers' Compensation Law requires wage replacement to be 66 2/3% of the injured worker's average weekly wage up to 105% of the state average weekly wage. For full-time employees, accrued sick, vacation, and personal holiday time may be applied to make up the balance of full salary at the City's discretion.

2. Although state law indicates an employee will not be eligible for reimbursement for lost wages for the first three (3) working days of disability (unless the disability lasts longer than fourteen days), the City will pay the employee the applicable replacement wage as stated above for the initial three (3) working days as well.

3. Employees determined to have disabilities (temporary, permanent, partial, total) falling within the purview of the Workers' Compensation Law shall be compensated according to the State of Missouri's benefit schedules.

### B. Maintenance of Other Benefits

1. Employees unable to work based on the designated doctor's determination will continue to be covered by any City benefits they received prior to the on-the-job injury or work-related illness for the time period they receive wage replacement under the law, subject to the limitations of the insurance policies and benefit plan provisions. Contributions for optional dependent health coverage (if applicable) and retirement (if applicable) will continue to be deducted from the wage replacement payments the employee receives. Seniority and service credits toward retirement will also continue to accumulate for this time period.

2. An employee who is working at any other occupation while receiving Workers' Compensation benefits (wage replacement or medical) will be disqualified from receiving further Workers' Compensation benefits, unless this employment is part of a City approved work-hardening program.

## Section 7-6 Return to Work and Light Duty Assignments

- A. The employee will be expected to return to work immediately upon release from the physician. If the previous position is not available, the supervisor will work with the physician to return the employee to another position that the physician approves. Reasonable accommodations will be made for a partially disabled employee. Every reasonable effort will be made to keep the injured or ill employee's job open during the approved leave of absence, but the job is not guaranteed.
- B. If necessary, the supervisor may attempt to locate a "light duty" position in the same or another department for the employee. Granting light duty is at the sole discretion of the City Manager. Pay for a light duty assignment will remain the same as the employee's previous job for a period of up to six (6) months. The Human Resources Office will assist in coordinating the return.
- C. An employee on light duty will return to the physician on a schedule determined by the physician for evaluation for return to regular duty.
- D. An employee who objects to the return-to-work program recommended by the physician/supervisor team may appeal to his Department Head for consideration of a different assignment. An employee who refuses to cooperate with the prescribed return-to-work or light duty program at that point may be subject to disciplinary action.

## Section 7-7 Other

- A. If the insurer determines that an employee's accident or injury is not to be covered under Workers' Compensation, and the employee wishes to appeal that decision, the employee may request an administrative court hearing with the local office of the State Division of Workers' Compensation. Neither party is required to retain an attorney.
- B. The City will not discharge an employee because that individual files a Workers' Compensation claim. It is the City's intention to administer Workers' Compensation claims in good faith and in an atmosphere of fairness at all times.

# ARTICLE III. SECURITY IN THE WORKPLACE

## Section 7-8 Objectives

Employee safety is of paramount concern to the City. Also extremely important is the security of City property and materials. Workplace violence, theft and vandalism of City property/materials will not be tolerated. Reasonable measures, as outlined below, will be taken to ensure security.

## Section 7-9 Threats and Violence



A. A threat is the expression of intent to cause physical or mental harm. It includes any expression that constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out. The following activities are considered as threats or violence. This list is not all-inclusive, and it should be understood that other inappropriate conduct may be considered a violation of this policy.

- Physical harm.
- Verbal/written threats or abuse.
- Property damage due to violence.
- Property theft due to employer-directed violence.

B. Any employee engaged in threatening acts or violence at the workplace will be subject to disciplinary action, up to and including termination, as well as possible criminal charges.

C. If an employee feels threatened and the threat is immediate, that employee should contact the Police Department.

D. All employees are required to report to their supervisor all threats or incidents of violent behavior that they observe or are informed about. If an employee feels it is necessary, he may bypass his supervisor and take the complaint up through his department chain of command, or directly to the Human Resources Director. Threats must be reported when the behavior has been observed on the job, or when the threat has the potential to be carried out on City property or in the course of conducting City business. Employees who intentionally make false reports or accusations will be subject to disciplinary action.

E. All employees who apply for or obtain a protective restraining order which lists City property or work sites as being protected areas, must notify their supervisor.

F. Supervisors must report all violations of this policy to the respective Department Head. The Department Head is responsible for assessing the severity of the risk and taking additional action if warranted. This may include:

1. Providing additional security.
2. Moving employee(s) to another work location.
3. Sending an employee home.
4. Notifying other employees of the possibility of risk and explaining a plan of action.

## Section 7-10 General Security Precautions

A. Employees are expected to be alert to suspicious persons and activities in their work areas. Isolated meeting areas should be avoided. Unknown individuals should not be allowed in work areas unescorted.

B. If an individual or group causes a disturbance or seems suspicious, or if a potential problem situation is anticipated, the Police Department should be contacted, and requested to dispatch a police officer to the work location.

C. It is the responsibility of the respective Department Heads to oversee the distribution of keys to various facilities and equipment. Strict control should be maintained. No employee should be given keys unless there is a specific need.

D. When a supervisor is notified that an employee intends to separate from employment, the supervisor should follow the checklist for departing employees provided by the Human Resources Director. Before an employee separates from employment, all keys and any other City property must be collected by the employee's supervisor or Department Head.

E. If an employee has knowledge of theft, vandalism, unauthorized personal use of City equipment or property, or any other security violation, it is that employee's responsibility to report the violation to their supervisor or Department Head.

## Chapter 8

### DISCIPLINE AND REVIEW PROCEDURES

Article I.	Scope
Article II.	Presentation of Issues of Concern
Article III.	Disciplinary Action

#### ARTICLE I. SCOPE

##### Section 8-1 Scope and Purpose

The purpose of this policy is to provide a procedure for how the Human Resources Director, Department Heads, and supervisors implement disciplinary action. Further, it outlines the process by which employees may request review regarding disciplinary action imposed upon them, or in present concerns about issues related to their employment.

#### ARTICLE II. PRESENTATION OF ISSUES OF CONCERN

##### Section 8-2 Presentation Procedures for Issues of Concern

A. The City values the opinions of its employees and wishes to promote a working environment conducive to a productive workforce. As such, the following procedure shall be provided for expression of concerns by employees.

B. The employee must present an issue of concern within a reasonable period of time of the event or situation that caused the concern. All requests for presentation of issues of concern must be made in good faith and have demonstrable validity.

- C. An employee who has a specific issue of concern regarding any aspect of his work environment should discuss it with his immediate supervisor.
- D. If, after discussion with the immediate supervisor, the employee is not satisfied with the result or the information gained, he should follow through the department chain of command.
- E. If progressive discussions with the supervisors and the appropriate Department Head do not offer information or result in action which satisfies the employee, he may request a meeting to discuss the concern with the Human Resources Director. The decision of the Human Resources Director is final.
- F. Issues of concern that may be presented under these procedures do not include issues related to performance evaluations or disciplinary action. Separate review procedures apply to the following matters:
1. EEO/discrimination concerns — Chapter 1, Article III;
  2. Workplace harassment — Chapter 3, Article II;
  3. Fraud/misrepresentation — Chapter 3, Article V; and
  4. Specific types of disciplinary action — Chapter 8, Article III, Section 8-5.

## ARTICLE III. DISCIPLINARY ACTION

### Section 8-3 Types of Disciplinary Action

In order to provide a functional system for handling disciplinary situations, the City has developed a corrective disciplinary action procedure. The disciplinary procedure may include any of the following disciplinary actions. Whether a violation shall be subject to progressive discipline and the sanction imposed shall be evaluated for type of violation, seriousness of violation and recurrence of any violations. Supervisors and Department Heads will determine the appropriate disciplinary action for any conduct. Terminations must be reviewed by the Human Resources Director prior to action. Any and all disciplinary actions with regard to Department Heads, up to and including termination, shall be handled by the Human Resources Director, in consultation with the Mayor and Board of Aldermen.

- A. **Verbal Warning:** A verbal warning is an oral reprimand given by the employee's supervisor. All verbal warnings shall be documented in some fashion.
- B. **Written Reprimand:** A written reprimand is a written notification of the employee's unsatisfactory performance or other violation of City or departmental policies.
- C. **Special Probation:** A special probation is a trial period of a specified length of time during which the employee is required to fulfill a set of conditions or improve work performance or on-the-job behavior. Failure to meet a special probationary requirement may result in additional disciplinary action up to and including termination. An employee may be placed on special probation in conjunction with another form of disciplinary action. An employee is not eligible for any performance salary increase during a special probation. The notice of special probation will state the length of time for the probation and when the employee will be eligible for his next performance increase.

D. Suspension: A suspension is the removal of an employee from the workplace for a specified period of time without pay. The length of suspension will reflect the severity of the employee's misconduct. Exempt employees will not be subject to disciplinary suspensions shorter in duration than a full workday for violations of workplace conduct rules.

E. Disciplinary Demotion: A disciplinary demotion is the placement of an employee into a lower job classification as a result of disciplinary action.

F. Termination: A termination is the permanent removal of an employee from the City's employment.

#### Section 8-4 Implementation of Disciplinary Action

A. Prior to notifying an employee of disciplinary action, a supervisor should conduct a reasonable investigation. However, in appropriate circumstances, supervisors may place an employee on administrative leave pending investigation of the alleged violation (see Chapter 6, Article VIII.).

B. Disciplinary action should occur in a timely fashion and correspond to the degree of the violation; the situation and context in which the violation occurred; the impact on the organization; prior conduct and work history of the employee; and the expected effect of such actions on the future job performance of the employee.

C. The appropriate Department Head shall have responsibility for all disciplinary action but may delegate this authority to supervisors. Supervisors' authority with regard to implementing disciplinary action should be guided by department policy. Any actions beyond written reprimand should be discussed with the Human Resources Director prior to implementation. Any terminations must also be discussed with the Human Resources Director prior to action.

D. The supervisor shall meet with the employee to discuss the reasons for the action and explain the disciplinary action taken.

E. Forms for recording disciplinary actions may be obtained from the Human Resources Office or the Department may create its own forms. In all cases of disciplinary action, except for verbal warnings, a written notice of the action signed by the Department Head or supervisor stating the reasons for such action shall be given to the employee. The employee shall sign an acknowledgement of receipt and be given an opportunity to provide written comments. The employee's signature does not necessarily indicate agreement. A copy of the written notice and original, permanent acknowledgement shall be provided to the Human Resources Office for inclusion in the employee's personnel file.

F. Documentation of verbal warnings should not be forwarded to the Human Resources Office unless the inappropriate behavior is repeated and further disciplinary action is warranted.

G. In cases of suspension, demotion, or termination, the notice of disciplinary action shall contain information explaining the employee's right to have the action reviewed, if applicable.

## Section 8-5 Review of Disciplinary Action

- A. The review process is available to all employees and applies to disciplinary action resulting in suspension, disciplinary demotion or termination of employment.
- B. An eligible employee may request a review of the disciplinary action before the Human Resources Director.
- C. The employee must submit a written request for review to the Human Resources Director within seven (7) calendar days of the date he is notified, verbally or in writing, of the disciplinary action or, if the employee is unable to be located, within seven (7) calendar days of the date that the City exhausts all reasonable methods of contacting the employee. The request shall include the issues in question and the nature of the relief sought. The Human Resources Director shall arrange a meeting within five (5) working days for all other employees, from receipt of the written request. This time can be extended for reasonable cause.
- D. The Human Resources Director shall hold a meeting to review the facts and circumstances surrounding the disciplinary action, offering the opportunity for the employee and appropriate department representatives to present information. Witnesses will also be allowed, if coordinated in advance.
- E. The review process shall be limited to a maximum of one (1) workday, unless the Human Resources Director determines that an extension is necessary.
- F. Legal counsel will be allowed to represent either party.
- G. At the conclusion of the review process, the Human Resources Director shall prepare a written decision upholding, overturning, or modifying the disciplinary action imposed. The decision of the Human Resources Director is final.
- H. If an employee has been suspended, demoted, or terminated and that disciplinary action is modified through the review process, the corresponding pay, position, etc., will be reinstated or implemented retroactively to the date when it was originally made effective.

## Chapter 9

### SEPARATION FROM EMPLOYMENT

- Article I. Resignations/Separations
- Article II. Layoff and Recall
- Article III. Retirement

### ARTICLE I. RESIGNATIONS/SEPARATIONS

#### Section 9-1 Policy Statement

It is the City's policy to process employee separations in a fair and timely manner, to provide employees with relevant information regarding compensation and benefits, and to collect from separating employees any City property or outstanding financial obligations owed the City.

## Section 9-2 Separation Procedures

- A. Employees are requested to notify the applicable Department Head a minimum of two (2) weeks prior to the effective date of their resignation. Department Heads are requested to provide a minimum of four (4) weeks' notice. The resignation should be made in writing, signed, and dated. The original resignation will be forwarded to the Human Resources Director for inclusion in the employee's personnel file. Failure to provide the requested notice may make the employee ineligible for any payout of unused sick leave.
- B. When a supervisor is notified that an employee intends to separate from employment, the supervisor should follow the checklist for departing employees.
- C. The Department Head shall have completed and signed a Personnel Action form indicating date of separation, reason for separation, and other relevant information. The form shall be submitted to the Human Resources Director. This form should be submitted before the separation date.
- D. It is the responsibility of the separating employee's supervisor or Department Head to assure that all City property has been returned by the employee prior to the employee's last day of employment. This includes any City-owned uniforms, tools, and equipment, as well as any keys to City property and City identification cards.
- E. Financial obligations owed by the separating employee for computer loans and voluntary life insurance will be calculated by the City Clerk. The employee is also expected to make separate arrangements with the City Clerk to pay the City for any other financial obligations owed, such as for excess leave taken beyond that which was earned.
- F. The last paycheck for separating employees shall be issued on the next regular payday following the separation date. One final check will be cut and include payment for all remaining time worked and compensation for any earned, unused vacation and compensatory time, and unused sick leave days, per the City's practice in place at the time the employee separates from employment. An employee's final paycheck may be docked for any hours of sick leave taken by the employee in his last week of employment.
- G. Exit Interview Policy: In circumstances of voluntary resignations of full-time employees, the supervisor should ask the employee if they would like to schedule an exit interview with the Department Head. The purpose of the interview will be to ascertain information to help improve the City's employment practices. Information from the interviews may be shared with appropriate management staff to effectuate improvements. As an alternative, departing employees may be given the option of completing a written employee exit questionnaire. This written option may also be given to all part-time and temporary/seasonal employees upon their departure.
- H. A Department Head may approve the withdrawal of a resignation provided that an appointment has not been made to fill the pending vacancy.

## ARTICLE II. LAYOFF AND RECALL

### Section 9-3 Layoff and Recall Procedures

- A. When a layoff is necessary, the following factors will be considered in determining which employee(s) will be affected:
1. The employee's job responsibilities in relation to the continued efficient operations of the City.
  2. The employee's past job performance.
  3. The employee's length of service.
- B. Any employee on leave of absence during a layoff period may be subject to layoff on return to work, in accordance with the above considerations.
- C. The City will give an employee being laid off a minimum of seven (7) days advance written notice except in the case of an emergency layoff where the situation could not have been anticipated.
- D. Laid off employees will be paid for any earned vacation time and compensatory time. Laid off employees will not accrue any additional vacation or sick leave time during the period of layoff.
- E. Under normal conditions, the order of recall for employees being reinstated will be in reverse order of the layoff as long as this conforms to the operating needs of the City. Employees recalled will be required to report to work within a two (2) week period. Any employee failing to respond within this time to a recall will forfeit all rights to future employment with the City.
- F. The Human Resources Director will retain a list of laid-off employees in the recall file for one (1) year from the date of the layoff.

## ARTICLE III. RETIREMENT

### Section 9-4 Retirement Procedures

- A. An employee who is planning to retire in the near future is encouraged to contact the Human Resources Office at least sixty (60) days in advance of the planned retirement date to discuss retirement options and process required paperwork.
- B. Retired employees may be eligible to participate in a "retiree healthcare" benefit, at full cost to the retired employee, unless or until the former employee becomes eligible for group coverage with another employer or through other means, such as Medicare.

C. An employee may become eligible for retiree healthcare benefits, but should refer to the City's current health insurance policy to understand possible terms.

D. A retired employee who returns to City employment will generally be treated as a "new hire" for all compensation, benefit, and length of service purposes.