

**ORDINANCE NO. 4072**

**AN ORDINANCE OF THE CITY COUNCIL OF CLINTON, MISSOURI TO REVISE THE PERSONNEL POLICY FOR THE ADMINISTRATION OF THE PERSONNEL PROGRAM.**

**WHEREAS,** the City of Clinton Personnel Manual was revised on February 4, 2020; and

**WHEREAS,** the City of Clinton desires to make revisions to the February 4, 2020, version;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF CLINTON, MISSOURI AS FOLLOWS:**

**Section 1.** The City of Clinton Personnel Manual, as revised in Attachment A, is hereby approved.

**Section 2.** This ordinance shall be effective immediately upon its passage and approval as provided by law.

**Section 3.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed in their entirety.

Read the first time this 21<sup>st</sup> day of September, 2021.

Read a second time and passed this 21<sup>st</sup> day of September, 2021.

  
\_\_\_\_\_  
Greg Lowe, Presiding Officer

ATTEST:

Ayes - 7 Gene Henry, Roger House, Cameron Jackson, Carla Moberly, Rick Pereles, Becky Raysik, Daniel Wilson  
Nays - 0  
Absent - 1 Debbie Smith

  
\_\_\_\_\_  
Wendee Seaton, City Clerk

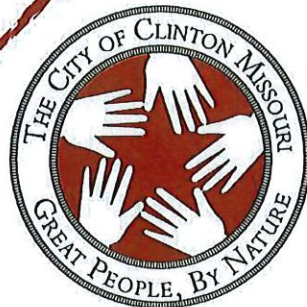
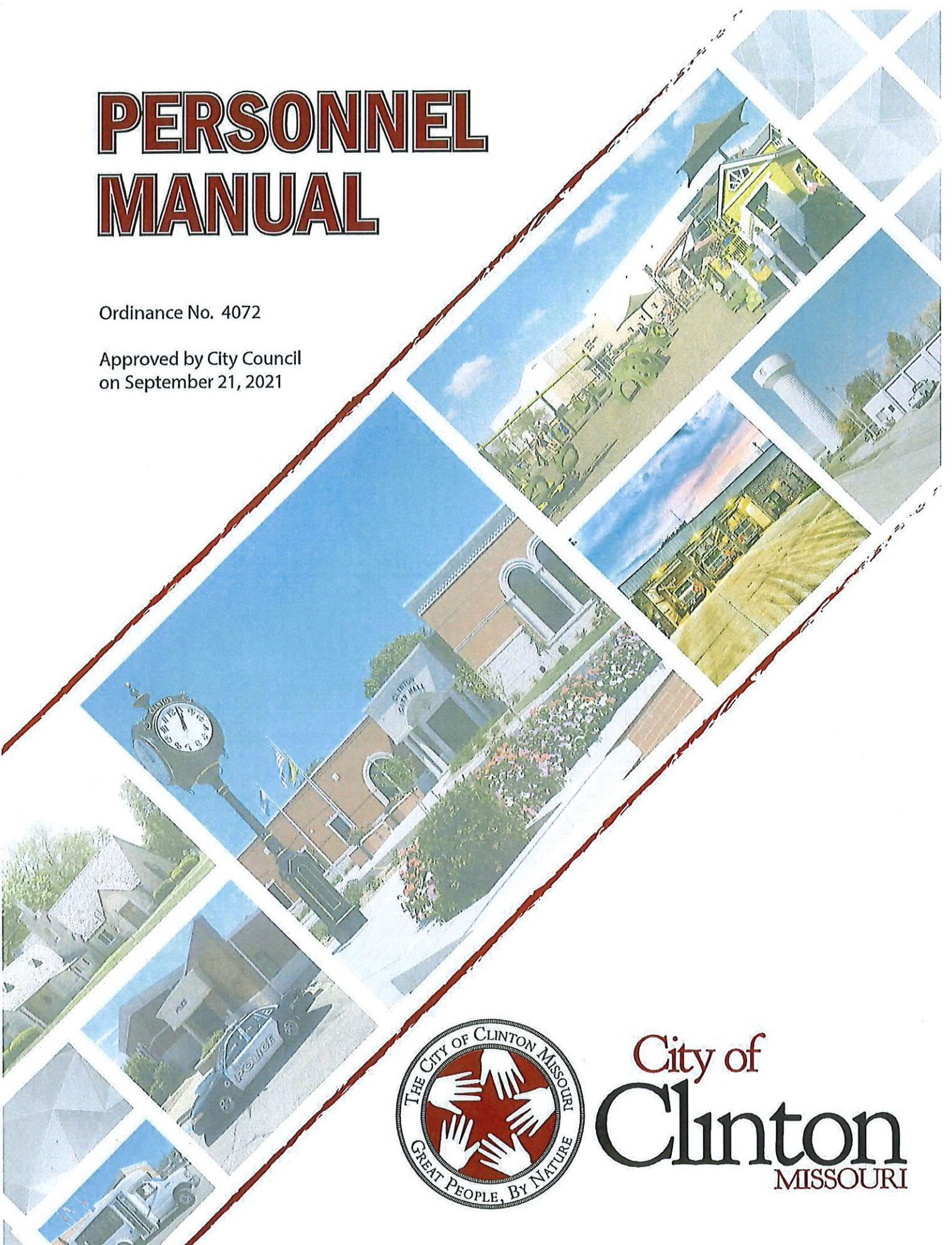
  
\_\_\_\_\_  
Greg Lowe, Mayor



# PERSONNEL MANUAL

Ordinance No. 4072

Approved by City Council  
on September 21, 2021



City of  
**Clinton**  
MISSOURI

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## Section 1

### General Provisions

#### Purpose

It is the purpose of this Section to set forth the normal principles and procedures to be followed by the City of Clinton, Missouri (RSMO 77.010; third class city), in the administration of its personnel program. It is intended to establish an efficient, equitable, and functional system of personnel administration based on principles which will govern the appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment for those personnel employed under the provisions of this policy. It is the intent of this policy to place all full-time City employees under the provisions of this Personnel System, except for those positions excluded herein, or by law.

This manual should not be construed as, and does not constitute, a contract of employment. The relationship between the City and its employees is an employment-at-will relationship. This means that the employment relationship is by mutual consent of the City and you. The employment relationship is not for any definite period of time. While it is anticipated that your employment with the City will be rewarding and long term, either you or the City may terminate the employment relationship at any time with or without notice, for any reason or no reason at all, and with or without cause. It should also be understood that no representative of the City, other than the City Council with the consent of the Mayor, have any authority to enter into any agreement of employment for any specified period of time, or to make any agreement contrary to the foregoing. Furthermore, if the Mayor and the City Council do make any such agreement, it shall not be enforceable unless it is in writing and signed. Nothing in this manual, nor in any other written materials or verbal statements provided by City representatives, shall limit either the City's or the employee's right to terminate the employment relationship. The employment-at-will relationship is consistent with applicable law. It provides both the employee and the City the opportunity to freely select the appropriate job and individual as circumstances warrant. These statements about the at-will nature of employment constitute the entire understanding between the City and its employees regarding this subject.

This manual is intended as a guideline for most employment situations. However, situations may arise in which the specific provisions of this policy are deviated from, consistent with applicable law.

The City Administrator, and department heads as the situation indicates, shall be responsible for the administration and interpretation of these policies and may promulgate such directions as are necessary to clarify, supplement or implement the provisions set forth.

If personnel matters not covered by these policies should arise, the City Council may render a binding decision. The change or addition may be included as an amendment to the appropriate section of these policies upon acceptance and approval by the City Council.

Departmental policies needed to accomplish departmental objectives will conform to the guidelines herein established. An employee is expected to conform to all departmental policies, but if he or she should feel that any is contrary to the purpose or spirit or letter of the policies herein provided, he or she shall call them to the attention of the City Administrator and the appropriate change shall be investigated.

### **Positions Not Covered Under the Personnel System**

The following positions are not intended to be covered or included under the Personnel System:

- 1) Elected officials
- 2) Members of appointive boards, commissions and committees
- 3) Persons engaged under contracts to supply professional or technical services for a definite period of time
- 4) Personnel Board members
- 5) Such other positions as may be excluded hereafter by the City Council of the City of Clinton by ordinance enacted by them
- 6) Positions for which a specific statutory provision applies.

### **City Administrator and Management Positions**

Certain parts of this policy do not apply to the City Administrator, City Clerk, Community Development Director, Police Chief, Deputy Police Chiefs, Fire Chief, Deputy Fire Chief, Parks & Recreation Director, Street Superintendent and Cemetery Sexton. These positions shall receive annual salaries as set by the City Council and shall not receive overtime or compensatory time.

The City Clerk, Community Development Director, Deputy Police Chiefs, Fire Chief, Deputy Fire Chief, Parks & Recreation Director, Street Superintendent and Cemetery Sexton shall receive two months' notice of termination or two months' severance pay. These employees are not eligible to appeal under Section 9 of this policy. Termination of the City Administrator shall be governed by an employment contract; termination of the Police Chief shall be governed by state statute.

These provisions regarding the City Administrator and management positions shall supersede any other parts of this policy in conflict herewith.

### **Departmental Rules and Regulations**

This section shall not be construed as limiting in any way the power, authority and responsibility of any department head to make departmental rules and regulations governing the conduct and performance of employees. Departmental rules shall not conflict with the provisions of this policy, and in the event of such a conflict, the provisions of this policy along with appropriate state and federal laws shall prevail in the interpretation and application of such departmental rules. All departmental rules and regulations shall become effective only after their approval by the City Council. Such rules, when so approved, shall have the force and effect of rules of that department and disciplinary action may be based upon breach of any such rules and regulations.

### **Administration of the Personnel System**

Personnel administration in the day to day operation of the City's governmental functions by its employees shall be the primary responsibility of the head of each department. The administration of the provisions of this policy in other respects shall be the responsibility of the city administrator.

### **Personnel Board**

There is hereby established by this ordinance a Personnel Board, to be appointed as provided elsewhere in this policy or by City ordinance. The Personnel Board shall have original jurisdiction over appeals to it as allowed by this policy as well as responsibility for other matters designated to it by ordinance, administrative rules and regulations, and resolutions of the City Council. All deliberations by the Personnel Board of matters relating to hiring, firing, and promotion of personnel together with matters relating to legal actions, causes of action, or litigation involving the city shall be done in closed meeting, with closed record and closed vote. It is intended that discussions of closed meetings and records of same and the vote taken shall not be available to or released to the public or any other person as provided in RSMo Chapter 610, except as required under RSMo, Chapter 610.021. Any record authorized to be closed shall be closed.

### **Prohibition of Political Activity**

No City employee may take an active part in any political campaign, other than to vote therein, during work hours for the city. No political activity shall be conducted on paid work time, or on City property.

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute to or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

### **Conflict of Interest**

No employee in the City service shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to the City, except in compliance with the requirements of Chapter 105 RSMo. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the City when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. No employee shall receive any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to the City. Conflicts also reach to an employee's spouse and dependent children's interest.

No employee or official shall disclose confidential information, receive or make communications relating to the official actions of the City for personal benefit, or grant any improper favors, services, promises, or things of value in exchange for the performance of duties for the City.

### **Nepotism and Restriction on Employment of Relatives**

A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the city service over which the employee exercises jurisdiction or control, regardless of whether such position carries with it any compensation, any person who is related to such employee through the fourth degree of consanguinity or affinity. Such prohibition extends to volunteer positions as well. Violation of this policy results in forfeiture of the employee's position.

### City's Right to Search

When the City has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the City to submit immediately, at any time (including breaks and the meal period), to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and a violation of City policy which will subject the employee to disciplinary action.

### Equal Opportunity in Employment

The City of Clinton is committed to maintaining a work environment that is free from discrimination and in which employees at all levels can devote their full attention and best efforts to the job. Harassment has no place in the work environment. We do not authorize and will not tolerate any form of harassment based on following factors: **race, sex, national origin, color, pregnancy, age, disability, genetic information, religion, citizenship, sexual orientation, ancestry, marital status, military and/or veteran status or any other status that is protected by federal, state or local law.**

This policy applies to employees (both management and non-management) and non-employees, including a citizen, a vendor or a representative of any entity with whom the City conducts business.

Examples of "harassment" covered by this policy include offensive language, jokes, or other physical, verbal, written, or pictorial conduct relating to the employee's sex, race, national origin, color, pregnancy, age, disability, genetic information, religion, sexual orientation or other factor protected by law that would make a reasonable person experiencing such behavior feel uncomfortable or would interfere with the person's work performance.

The examples below are just that – examples. It is impossible to list every type of behavior that can be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual's work performance or could create an offensive environment will be considered harassment in violation of this policy. ***This is the case even if the offending employee did not mean to be offensive. It is essential that employees be sensitive to the feelings of others.***

### Sexual Harassment

Sexual harassment (whether opposite-sex or same-sex or based on sexual orientation) is strictly prohibited. Examples of the types of behavior that may be considered in violation of this policy include the following:

- Sexually offensive jokes or comments
- Physical assaults or other touching that is sexual in nature
- Promising favorable treatment or threatening unfavorable treatment based on the employee's response to sexual demands
- Displays of sexually oriented reading materials or pictures, including electronic materials
- Punishing an employee for complaining about sexual harassment, including but not limited to, any of the above

### **Harassment Based on Sex, Race, National Origin, Age, Disability, Religion or Other Protected Category**

Harassment based on these other traits deserves special mention and is also strictly prohibited. Examples of the types of behavior that will be considered harassment based on these characteristics include the following:

- Jokes or negative comments about these characteristics
- “Sexist” comments or behavior (In other words, conduct that demeans other individuals because of their sex, even if not vulgar, lewd, or sexually provocative)
- Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials
- Vandalism or “pranks” based on these characteristics
- Name-calling based on these characteristics
- Punishing an employee for complaining of these types of harassment

***Special note about religion.*** It is not a violation of this policy for employees to discuss religion, or to read or view religious materials, at work during non-working time. However, employees who do so should be sensitive to and respectful of the different beliefs (or lack of belief) of others.

### **Reporting Harassment**

Harassment issues cannot be resolved if they remain unknown to supervisors and City administration. Employees who believe they have witnessed or experienced behavior prohibited by this policy or who have questions, concerns, or complaints of discrimination – including a complaint of harassment – should immediately report the behavior or concerns to the appropriate individual so that we can try to resolve the situation. This is true whether the alleged harasser is an employee, a supervisor or manager, or even a non-employee, such as a citizen, a vendor or a representative of any entity with whom the City conducts business.

***To report harassment, you must contact:***

- ***Your immediate supervisor, OR***
- ***Your department head, OR***
- ***The City Administrator***

These individuals have been trained to respond appropriately to reports of harassment. Once your report has been received, we will:

- Conduct a prompt and thorough investigation as appropriate to the situation
- Discuss the results with the complaining employee and, where appropriate, the action to be taken
- Keep the investigation and results as confidential as possible
- If the complaint is verified and the offender is an employee, take appropriate corrective action, up through and including termination
- If the complaint is verified and the offender is a non-employee, take appropriate action to maintain a work environment that is free from discrimination and harassment

***No employee will be punished for bringing a good-faith report of harassment to our attention or for cooperating in an investigation.***

### Our Commitment to an Effective Anti-Harassment Policy

Finally, if you feel that the City has not met its obligations under this policy, or if you are not satisfied with the way in which your report of harassment was handled, you should let us know as soon as possible. An effective anti-harassment policy depends on all of us, working together, to address this very important subject.

### Employee Concerns

The City strives for excellence in its working relationships attempting to deal fairly with employees. As part of this philosophy, whether and how an employee succeeds depends upon the employee's performance and conduct. The City recognizes, however, that concerns and differences of opinion may arise from time to time between reasonable and well-intentioned members of the City team. The City is confident that most such situations and issues can be fairly and appropriately resolved through open communications and by applying the concepts of good judgment and common sense. In most cases, an employee should first address his/her concerns with his/her immediate supervisor. The supervisor will strive to informally resolve any work-related question or concern the employee may have. If an employee feels uncomfortable addressing the situation with his/her immediate supervisor, or if the employee is not satisfied with the results of this informal discussion, the City encourages the employee to contact the department head and city administrator to review the situation.

An employee is responsible for expressing his/her concerns in a fair and honest manner and for complying with all City policies while the issue he/she has raised is under consideration. Please also remember that not every situation can always be resolved to everyone's total satisfaction. However, if all employees maintain an atmosphere where each employee is approachable and receptive to discussion, it will help develop confidence in everyone's willingness to talk openly with each other. This confidence helps create a harmonious workplace where concerns and disagreements can be aired and fairly addressed.

If an employee has a concern that relates to a possible violation of the City's harassment-free workplace policy or the City's equal employment opportunity/nondiscrimination policy, the employee should refer to other applicable sections for added information about reporting potential harassment or discrimination.

### ADA

All facilities shall be accessible to the physically disabled as soon as practical and economically feasible. The Building Inspector is appointed to serve as the ADA coordinator for the City.

It is the policy of the City to comply with the requirements of the Americans with Disabilities Act (ADA), including the Amendments (ADAAA). As described by law, qualified individuals with disabilities include, but are not limited to, individuals who have a disability and meet the skill, experience, education, and other job-related requirements of the position needed or desired, and who, with or without reasonable accommodation, can perform the essential functions of the position. The City shall not discriminate against qualified disabled individuals in regard to hiring, firing, compensation, training, advancement, and all other terms, conditions or privileges of employment. In addition, an employee may make a request for a reasonable accommodation pursuant to his/her rights under the ADAAA by contacting the City Administrator. The City will enter into an interactive process with any employee bringing forward a good faith request for accommodation. If you have any questions about this Policy, the meaning of terms used in this policy, or the application of this policy or the ADAAA, please contact the City Administrator for guidance.

## Section 2

### Definition of Terms

**Appeal:** A formal process whereby full time employees may obtain a review, by higher authorities, of a suspension, demotion, return to probationary status or termination.

**Application process:** The process by which full time, part time, temporary or seasonal employees seek employment with the city.

**At-will employment:** The relationship whereby employment may be terminated by the City or by the employee at any time for any reason, subject to State and Federal laws.

**City service:** All employment positions and jobs of the City of Clinton, Missouri.

**Classification / Job description:** A written statement of the duties, responsibilities, qualifications and requirements that distinguish a specific job class from other job classes.

**Classified position(s):** All full-time, non-salaried positions.

**Compensatory time (comp time):** Time earned to compensate for hours worked beyond the maximum specified work period.

**Demotion:** The movement of an employee from a position in one class to a position in the same or another class having a lower maximum salary rate because of disciplinary reasons, incapacity to perform the work, inefficiency or unsatisfactory work performance. Demotion shall also include the reduction of salary or pay scale of an employee for disciplinary reasons.

**Department:** Any of the departments in the municipal government as they now exist or as hereafter established in the City of Clinton.

**Department head:** The officially appointed head of any department, or the officially appointed acting head of any department, or the assistant head of any department when acting as department head due to the absence from duty of the department head.

**Dismissal:** An employee's separation from work duties and compensation that is initiated and carried out by the employer.

**Elected official:** A person who has been elected by the registered voters of the city during a formally recognized election.

**Eligible:** A person whose name is on an approved eligibility list and who may be appointed to fill a particular vacancy in a department.

**Employee:** A person hired by the City to perform a specified job (elected officials excluded). The following categories of employees are recognized by the City:

- Full-time: Normally works a minimum of 40 hours per week.
- Regular Part-time: Normally works regularly scheduled days and hours that are less than 130 hours per month and less than 1,500 hours per year.
- Part-time: Works less than 130 hours per month and less than 1,500 hours per year.
- Seasonal: Works no more than 6 consecutive months in a calendar year.

**Employer:** The City (collectively), the City Council and/or the appropriate department head who provides day-to-day guidance to employees.

**Exempt employee:** An employee not paid on an hourly basis. The salary rate and job duties must meet the current minimum requirements established by FLSA.

**FMLA (Family Medical Leave Act):** Statutes and regulations of the U.S. Department of Labor governing leave for certain family and medical reasons, including certain military service related conditions. For reasons stipulated in the Act, employees are eligible for both paid and unpaid leave.

**FLSA:** The "Fair Labor Standards Act" of the Federal government, referenced in the Department of Labor's Wage and Hour Division -- Employment Standards Administration (29 CFR Part 553).

**General departmental order:** A written request and/or requirement issued by the appropriate department head that carries routine administrative responsibility, sometimes dictated by City ordinance, for the proper functioning of the department.

**He (his, him):** When the term "he" is used, it shall mean either male or female gender. Wherever possible, the term he/she shall be used to avoid confusion.

**Immediate family:** Includes employee's spouse, child, step-child, mother, step-mother, father, step-father, sister, step-sister, brother, step-brother, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchild, grandparent and spouse's grandparent.

**Job elimination:** The elimination or discontinuance of a job position, by formal action.

**LAGERS:** The Missouri Local Government Employees Retirement System

**Layoff:** A reduction in personnel due to budget constraints. The selection of employees to be laid off shall be based on seniority, critical needs of the city, reorganization and/or elimination of duties.

**Leave of absence:** An extended period of time during which an employee is away from work without pay and benefits. This does not include military leaves governed by federal and state statutes and medical leaves regulated under the Family Medical Leave Act. A request for a leave of absence shall be recommended by the appropriate department head, considered by the Personnel Board and approved by the City Council. Employees on an approved leave of absence shall remain in "good stead" as an employee of the City.

**Light-duty:** An optional employment status for full time employees which follows an injury or illness. The duties of the light-duty assignment must meet the stipulated restriction(s) in the required physician's order. An assignment within the employee's department will be the priority. The City reserves the right to assign an employee to light-duty in a position in another department. The employee shall be paid at the regular pay rate regardless of assignment. Light-duty may be full or part time work, not to exceed 90 calendar days.

**MFL:** Military Family Leave

**Non-discrimination:** A concept or philosophy of the City demonstrating a commitment to employ individuals based on qualifications without regard to race, color, creed, age, sex, physical disability, or other status protected by law

**Ordinance:** A rule or order enacted by the City Council.

**Overtime compensation:** Pay for hours worked that exceeds current federally established guidelines. The rate of pay for hours in excess of the guidelines is multiplied by the current factor established by FLSA. Overtime for City of Clinton employees is based on the following:

- General employees: 40 hours / week
- Police: 43 hours / week
- Fire: 212 hours / 28 day cycle

**Pay period:** The designated time frame for which an employee shall be paid for work performed.

**Personnel file:** A personnel file includes papers and documents relevant to each employee. Files shall be maintained and held in strict compliance with federal and state laws by the proper administrative authority in the city. These files are confidential and are property of the City.

**Policy:** A general statement of philosophy that acts as a governing benchmark for the management of the City. It may or may not represent an ordinance.

**Position:** A post of employment in which a person is placed.

**Probationary period:** A period of time wherein determinations are made by the employer and the employee regarding a mutual "fit" between the employer and the employee and the likelihood of continued satisfactory job performance.

**Procedure:** A written series of administrative instructions for the proper conduct of a function.

**Promotion:** The movement of an employee from a job classification to a higher ranking job classification, resulting in a higher rate of pay.

**Resignation:** An employee's voluntary separation from employment.

**Salary / wage schedule:** A tabular organization of compensation rates.

**Salary / wages:** The compensation paid to an employee.

**Supervisor:** An employee who oversees a department, operation or function of the City.

**Vacation:** Time earned based on a specified schedule for paid employee time-off for personal use.

**Volunteer:** An individual who does not receive compensation and benefits or who receives a nominal stipend for work performed. Reimbursement of expenses are allowed. Such an individual is not considered an employee in regards to FLSA requirements.

**Work period:** A designated period of time, during which an employee is on duty in the work place, which shall serve as the basis for calculating compensation. City of Clinton employees are based on the following:

- General employees: 40 hours / week
- Police: 86 hours / 14 day cycle
- Fire: 212 hours / 28 day cycle

## Section 3

### Personnel Board

#### Purpose

The Personnel Board shall consist of five (5) members who shall serve without compensation. All members appointed to serve a full term on the Personnel Board shall serve for terms of three (3) years.

Members of this Board shall be qualified voters of the City of Clinton and shall have resided in the City of Clinton for at least one year prior to appointment.

The Board shall elect its own Chair and establish its own rules of procedure. The Chair shall serve for a period of one year.

A member of the Board may not be absent for three (3) consecutive meetings of the Board without proper excuse from the Chair. In the absence of such excuse and the absence of the member from three (3) consecutive meetings, that member's position may be declared vacant by the Chair. A member of the Board may be removed from the Board for cause as determined by the Chair with approval of two-thirds (2/3) of the members of the City Council.

The Mayor shall, by appointment with approval of three-fourths (3/4) of the members of the City Council, fill all vacancies on the Board. A person appointed to fill such a vacancy shall hold the position on the Board for the remainder of the unexpired term of the person who leaves the position vacant.

A member of the Board may not:

- Reside outside the corporate limits of the City of Clinton, Missouri
- Be employed by the City of Clinton, Missouri
- Hold an elected office or other appointed office of the City of Clinton, Missouri
- Have a conflict of interest with the City of Clinton, Missouri
- Be a vendor for the City

#### Duties of the Personnel Board

The duties of the Personnel Board shall include the following:

1. Upon the request of the City Council or upon the initiative of the Personnel Board, make recommendations to the City Council regarding the personnel system.
2. To hear whatever written appeal this policy or City ordinance provides for the Board to hear and, after hearing such an appeal, to report in writing the findings and recommendations regarding the appeal to the City Council. The department head or person whose decision was appealed shall also receive a copy of the findings. In all cases, the decision of the City Council upon such an appeal or recommendation shall be final and conclusive in this regard.

3. The Board Chair shall convene the Board to conduct a hearing at an appropriate place not later than ten days after receipt of a written appeal of disciplinary action or any written appeal. The Board Chair, upon the completion of such hearing, shall report the findings and recommendations of the Personnel Board to the City Council within three days.
4. It shall be the duty of the Personnel Board Secretary to carry out the wishes of the Personnel Board, and the secretary shall work under the normal day-to-day supervision of the City Clerk. The City Council shall provide such funds as are necessary for the duties of the Personnel Board as set forth in this ordinance to be carried out.
5. It shall be the duty of the Chair of the Personnel Board to convene the Board at his/her discretion in order to adequately carry out the functions of the Personnel Board and this policy.
6. The Board shall elect its own Chair and Vice-Chair and the Board shall establish its own rules of procedure or by-laws which shall be subject to the approval of the City Council in order for it to carry out the intent of this ordinance. The Chair and Vice-Chair shall each serve for a period of one year, and in the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

#### **City Administrator**

The City Administrator is authorized to sit as an advisory and ex-officio, non-voting member of the Personnel Board, at any meeting of the Personnel Board, except when otherwise provided in this section.

The Personnel Board may not exclude the City Administrator from any meeting, with the exception of an appeal hearing when the action of the City Administrator is being appealed.

## Section 4

### Classification / Job Descriptions

#### Purpose

To provide a complete inventory of all the positions of employment within the City of Clinton. This shall include standardized descriptions for each class of employment and for each position within each class.

#### Personnel Clerk Responsibilities

The Personnel Clerk shall maintain an accurate inventory of all job descriptions and classification plans.

#### Department Head Responsibilities

Each department head shall maintain a job description of each position in his/her department. When a new position is established or duties of an existing position are changed, the department head shall submit to the City Administrator a new written, comprehensive job description.

## Section 5 Compensation

### Pay Plan

The pay range for each employee job classification shall be established annually by separate ordinance of the City Council. The City Administrator, City Clerk, Community Development Director, Police Chief, Deputy Police Chiefs, Fire Chief, Deputy Fire Chief, Parks & Recreation Director, Street Superintendent and Cemetery Sexton shall receive annual salaries as set by the City Council.

### New Hires

The minimum pay rate of the established wage range for each classification will be considered the normal hiring rate.

The appointment of a new employee at a higher rate may be considered in some circumstances. Approval will be based on qualifications of the applicant being in excess of the requirements for the particular classification. City Administrator approval is required for non-salaried positions. City Council approval is required for salaried positions.

### Promotion

Upon promotion, an employee's pay rate at the new classification level shall be set at a rate that meets or exceeds the pay rate that is two (2) steps higher than the employee's pre-promotion classification level.

### Payroll System

A mandatory payroll direct deposit process is used, having twenty-six (26) bi-weekly pay periods annually, with payroll deposits every other Friday.

### Work Periods

Work periods are as follow:

- General employees: One (1) week. Begins on Saturday at 12:00 a.m., ends the following Friday at 11:59 p.m.
- Police: Fourteen (14) day cycle. Begins 0645 hours Monday, ends 0644 Monday, following fourteen (14) days later.
- Fire: Twenty-eight (28) day cycle. Begins 0800 hours Saturday, ends 0759 hours on Saturday, following twenty-eight (28) days later.

### Overtime

Overtime compensation is paid in accordance with the current factor established by FLSA, for General employees and Police. Fire Department shift personnel shall be paid overtime in accordance with the Overtime Rate on the Fire Department Pay Plan for the current fiscal year.

When determining if the overtime threshold has been met, on-duty hours, use of accrued compensatory time, official City holidays and use of accrued vacation time will be considered. All other paid hours, such as, but not limited to, sick leave and funeral leave, shall not count toward determining if the overtime threshold has been met.

The overtime threshold for work periods are as follows:

- General employees: 40 hours / week
- Police: 86 hours / 14 day cycle
- Fire: 212 hours / 28 day cycle

A department head may elect, at his or her discretion, to adjust an employee's work schedule within the designated work period in order to not accrue overtime hours.

### Compensatory Time

In lieu of overtime pay, employees may accrue compensatory time. Compensatory time shall be calculated in accordance with the current factor established by FLSA for the overtime hours worked. The following are the maximum carry-over of accrued hours on January 1 of each year:

- General employees: 40 hours
- Police: 43 hours
- Fire: 48 hours

Department heads shall make every effort to grant time off using compensatory time when requested. A department head may require an employee to take time off using compensatory time. Hours that exceed the maximum carry-over on January 1 of each year shall be paid at the employee's current pay rate.

### Fire Department High Overtime

Off-duty Fire Department shift personnel shall be paid in accordance with the High Overtime Rate on the Fire Department Pay Plan for the current fiscal year when responding to emergency calls.

### Time Sheets

Time sheets must be completed, signed and submitted to the Payroll Clerk by 12:00 noon on the Monday prior to pay-day. Department heads shall approve time sheets for employees in their departments.

Non-exempt employees are not allowed to take work home, unless granted prior approval due to extenuating circumstances, or to "work off the clock." Non-exempt employees are required to accurately report their hours worked to the City by the deadline set by the City Administrator. Failure to report hours worked, to inaccurately report hours worked, or failure to report hours worked by the set deadline is grounds for

disciplinary action, which could include discharge. By submitting a report of hours worked, the employee is making an affirmative representation to the City that the report is accurate, and represents all hours worked for the City during the applicable reporting period.

Time worked shall be reported in quarter-hour increments. Quarter hours more than seven minutes shall be rounded up. Quarter hours less than eight minutes shall be rounded down.

### **Break Periods**

The department head shall prescribe specific starting time, length of lunch break and finishing time for their respective departments. Any lunch break in excess of thirty minutes does not count as time worked.

Employees who work at least four (4) hours may take one (1) fifteen (15) minute break. Employees who work a full eight (8) hours may take one (1) thirty (30) minute break or two (2) fifteen (15) minute breaks. Breaks may not be used at the beginning or end of a work period to alter the scheduled work period without specific approval of a supervisor.

Employees who must vary from the prescribed hours of work on a regular basis for a legitimate reason, must secure department head approval, in advance.

### **Workers' Compensation Insurance**

The City, in compliance with state statutes, maintains worker's compensation insurance on all employees. Qualifying employees, as determined by the worker's compensation insurance carrier, receive payment of two-thirds (2/3) of regular wages when unable to work due to an injury on the job. Payments are made directly to the employee by the City's insurance carrier.

### **LAGERS Pension Plan**

The City is a participant in LAGERS, a defined benefits pension plan. In addition to a City contribution, employees are required to contribute 4% of gross pay through a payroll withholding at each pay period. Complete information regarding the City's current LAGERS plan is available from the Payroll Clerk.

## Section 6

### Specific Rules and Regulations

#### Purpose

To formalize personnel policies and practices, to enable employees to know the rights and responsibilities of municipal employment and to assure employees that personnel decisions are based on qualifications and/or achievements rather than political or other advantages.

#### Methods of Filling Job Vacancies

Vacancies in full time positions may be filled by 1) promotion within the department, 2) transfer from another department or 3) recruitment outside the City service. All methods for filling vacancies shall be based solely on qualifications, which shall be determined by evaluation of the applicant's training, education, experience, ability to perform essential job functions with or without reasonable accommodation, oral interview, and whenever practical, a written examination or demonstration test.

##### 1. Promotion

If an established position above the entry level becomes vacant in a department, the vacancy may be filled by the promotion of a full time, lower level employee in the department, upon recommendation of the department head and approval of the City Administrator. If an established entry level position becomes vacant, the vacancy may be filled by the promotion of a part time employee in the department, upon recommendation of the department head and approval of the City Administrator. The employee to be promoted must be qualified and meet all of the standards established for the vacant position. If more than one employee in the department is qualified and eligible for the vacant position, the department head shall administer tests (oral, written and/or performance tests) and recommend the promotion based on the test results.

If there are no eligible or qualified employees in the department, if the department head does not recommend promotion of a lower level employee, or if the position is of a department head and a wider search will serve the interests of the City, then the vacancy shall be filled by application open to both employees in the City service, and outside applicants.

##### 2. Transfer

Any vacant position in the City service may be filled by transfer of a full time employee from another department, provided the employee is qualified and meets all of the standards established for the position to be filled.

##### 3. Recruitment

###### a. Application, Interview and Hiring Process for General Employee Positions

All applications for full-time employment shall be filed with the Personnel Clerk. Applications for part-time employment may be submitted to the department head where the employment will be. The

information on the application is to be handled as privileged information. Incomplete applications or applications with "gaps" in employment history may be disqualified.

Completed applications will be reviewed by the department head, for the department where the vacancy exists, and the City Administrator. Qualified applicants will be scheduled for interviews with the department head, others within the department as determined by the department head, and the City Administrator.

The department head, in consultation with the City Administrator, shall select the candidate to which a job offer will be extended. The job offer is contingent upon successful completion of all further tests required by the respective department. Other candidates who are interviewed may be placed on a six (6) month eligibility list for that job classification. A candidate from the eligibility list may receive a job offer should a vacancy occur in that job classification during the ensuing six (6) month period.

b. Application, Interview and Hiring Process for Police and Fire Departments

Applications for employment shall be filed with the Chief, or Chief's designee, of the department where the vacancy exists. Application information shall be considered confidential information. Incomplete applications may be disqualified.

Written, oral and other tests, as prescribed by each department, shall be administered per departmental policies and procedures. All applicants who have successfully completed this phase of the process shall be identified. Qualified applicants will be scheduled for interviews with the department Chief, others within the department as determined by the department Chief, and the City Administrator. The department Chief, in consultation with the City Administrator, shall select the candidate to which a job offer will be extended. The job offer is contingent upon successful completion of all further tests required by the respective department. Other candidates, who are interviewed, may be placed on a twelve (12) month eligibility list for that job classification. A candidate from the eligibility list may receive a job offer should a vacancy occur in that job classification during the ensuing twelve (12) month period.

c) Application, Interview and Hiring Process for Department Head Level Positions

Completed applications will be reviewed by the City Administrator. Qualified applicants will be scheduled for interviews with the Personnel Board. After conducting interviews, the Personnel Board shall recommend all candidates deemed eligible for further consideration. The City Administrator shall recommend to the City Council the candidate to which a job offer will be extended. The City Council shall approve or deny the candidate selected for the job offer. The job offer is contingent upon successful completion of all further tests required by the City.

Physical Examination and Tests

All applicants receiving an offer for a full time position will be required to take a physical capacity test and shall be tested for illegal drugs prior to employment. These examinations will be administered by a vendor designated by the City of Clinton, or other provider authorized by law. The cost of the tests shall be paid by the City. The City may disqualify any applicant with a positive drug screen or one who is found to be incapable of performing the essential functions of a position, with or without a reasonable accommodation.

### **Immigration / Citizenship Status** (Federal Work Authorization Compliance)

The City complies with the Federal Immigration Reform and Control Act of 1986 (IRCA). It is our policy to employ only those individuals lawfully authorized to work in the United States. Therefore, your employment is conditioned on your ability to satisfy the I-9 requirements. You will be required to complete the employee portion of an I-9 form within the first 3 days of work.

### **Minimum Age**

The minimum age requirement for Full-time or Regular Part-time employees, excluding police officers, shall be eighteen (18) years of age. Police officers must meet the minimum age requirement for Missouri POST certification. The minimum age requirement for Part-time and Seasonal employees shall be sixteen (16) years of age.

### **Residency**

The City Administrator, City Clerk, Police Chief, Deputy Police Chiefs, Fire Chief, Deputy Fire Chief, Community Development Director, Parks & Recreation Director, Street Superintendent, and Cemetery Sexton shall establish residency within the boundaries of Henry County no later than sixty (60) days after accepting employment. The sixty (60) day period may be extended upon approval by City Council. Residency within the boundaries of Henry County shall be maintained for the duration of employment.

### **Telephone / Cell Phone**

All employees shall maintain some type of personal telephone / cell phone service for the duration of employment. The employee contact number shall be provided to the Personnel Clerk. It is the responsibility of the employee to notify the Personnel Clerk of any change in the contact number.

### **Outside Employment**

No full-time City employee shall accept outside employment whether part-time, temporary or permanent, without prior approval from the department head. Each change in outside employment shall require separate approval. Approval for outside employment shall not be granted when such employment conflicts or interferes or is likely to conflict or interfere with any of the employee's municipal duties. No employee shall engage in private employment when such employment creates a conflict of interest with official duties.

### **Employee Conduct**

It shall be the duty of each City employee to maintain high standards of conduct, cooperation, efficiency and economy in his/her work for the city. Whenever the conduct of an employee, on or off the job, falls below desirable standards, the department head shall point out the deficiency and shall make corrections and suggestions in a constructive and helpful manner. A failure to correct deficiencies in job performance can lead to discipline, including discharge.

## Employee Records

Certain records must be kept in accordance with federal law and Missouri Statutes. This policy establishes information to be recorded and the time period for retaining employee records. The City Clerk will be responsible for maintaining a current and accurate official personnel file on each employee. Personnel files will be preserved no fewer than twenty (20) years after the date of separation.

Information to be included in each employee file:

1. Application for Employment
2. Name of employee, in full
3. Home address, including zip code and telephone number
4. Date of birth, if under 19
5. Sex
6. Occupation (job classification).
7. Birth certificate
8. High school diploma or equivalent

The following must be maintained for each employee:

1. Employee's anniversary date (day, month and year employee reported to work)
2. Employee's attendance record
3. Records of accumulated vacation time and sick leave
4. Records of benefits accruing to the employee
5. Documentation regarding the employee's status, reprimands, commendations, legal actions, resignations and such other documentation that is relevant
6. Time of day and day of week on which the employee's workweek begins
7. Daily and weekly hours of work
8. Regular hourly rate of pay in any workweek (used as base rate to calculate overtime pay or compensatory time). (See Part 553, FLSA)
9. Total daily or weekly straight time earnings
10. Total overtime compensation for any workweek
11. Total additions to or deductions from wages paid
12. Total wages paid each pay period
13. Date of payment and the pay period covered by the payment

I-9 Form (Employee Eligibility Verification), for employees hired after November 6, 1986, and E-Verify confirmation shall be maintained in a separate file.

A separate Employee Medical File, containing the employment physical results, drug screening test results, psychological examinations (if applicable) and all other medical information, shall be maintained for each employee, and shall be kept in a secured location.

### Light Duty

Light duty may be approved for full time employees. The employee shall request light duty status from the department head. A physician's order is required. Light duty will only be permitted if the duties of the assignment meet the stipulated restriction. An assignment within the employee's department will be the priority. The City reserves the right to assign an employee to light duty in a position in another department. The employee shall be paid at the regular pay rate regardless of assignment. Light duty may be full or part time work, but not generally to exceed 90 calendar days.

### Probationary Period

The probationary time period should be used for closely observing the employee's job performance and ability to adapt to and understand work assignments, for assisting the employee in effectively adjusting to the position and for dismissing any employee whose performance does not meet the required work standards.

All new employees, except police officers, shall serve a six (6) month probationary period. Police officers shall serve a one (1) year probationary period. The probationary period may be extended up to ninety (90) days by the department head. If a department head chooses to extend a probationary period, the employee shall be notified in writing of the reason(s) and the duration of the extension. A copy of the notice shall be placed in the employee's personnel file.

Completion of a probationary period does not alter an employee's status as an at-will employee, nor does it create any right of continued employment, or establish any higher standard for discharge. The probationary period is merely a time of heightened observation and review of a new employee.

### Dismissal during the Probationary Period or Extension

The department head may elect to dismiss the employee at any time during the probationary period without statement of reason or notice or to extend the probationary period.

### Drivers' License

The law requires employers to make certain that drivers of "commercial vehicles," including certain City vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, City employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions. Employees who are required to operate a City vehicle shall possess and maintain a valid driver's license at all times.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The City will conduct periodic checks to determine if an employee possesses a valid driver's license. If an employee loses his/her driver's license or otherwise has an impediment to the employee's driving privileges, the employee shall immediately report such restrictions to his/her Department Head.

### Use of Telephones

Personal use of telephones should be kept to a minimum. Employees should refrain from using City telephone equipment in a manner that incurs added fees. The employee shall promptly reimburse the City should this occur.

### Internet / Electronic Mail

The City reserves the right to review any and all data, information or computer files stored in or sent to or from computers owned or supplied by the City. This includes any type of e-mail, internet access usage, or other subscription services.

All data and other electronic messages within this system are the property of the City. This includes all of the material and information created, transmitted or stored on this equipment. There should be **no expectation of privacy** for any of the material or information. Users must realize that deleted material or information, including emails, can be retrieved and viewed by others.

The City may provide access to internet and/or e-mail systems for some employees. This capability will be provided on an as needed basis and is a revocable privilege. Only the City-approved internet provider may be used to access the Internet. Any additional hardware or software required for internet access must be authorized by the information services administrator.

### **General Guidelines for Internet/E-mail Usage:**

1. These resources are to be used primarily to conduct City business. However, incidental and occasional personal use during non-working hours is permitted with supervisory approval.
2. The safety and security of the City's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of the user's assigned password(s). Individual users will be held accountable for use of their account by others.
3. Users must abide by copyright, contract and other local, state and federal laws, City administrative directives and policies, as well as individual department guidelines. Downloading files that are not related to conducting business for the City is not allowed.
4. Downloading of application programs or files without consent of the City is prohibited. The City does not recommend the downloading or installation on City computers of application software from the Internet. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard City applications. Any and all material downloaded with written permission of the City from the internet shall be downloaded to the user's local hard drive. No files should be copied to any network drive until after the files have been scanned manually or automatically for computer viruses. If a virus is detected, the information services administrator should be notified immediately. Any and all material downloaded from the internet should relate to legitimate City use.
5. There shall be no participation in web-based surveys without prior authorization from the City. When using the internet, the user implicitly involves the City in his/her expression. Therefore, users should not participate in web or e-mail surveys or interviews without authorization.
6. There shall be no use of subscription based services without approval from the City. Some internet sites require that users subscribe before being able to use them. Users should not subscribe to such services without approval. Resources, of any kind, where fees are assessed may not be accessed without prior approval.

7. There are a number of prohibited activities, which include the following. This list is not intended to be inclusive of all prohibited activities, but only as general guidance.
  - Any illegal, illicit, improper, unprofessional or unethical activity, or any activity that could reasonably be construed to be detrimental to the interests of the City.
  - Unauthorized attempts to access another's e-mail.
  - Transmitting obscene or harassing messages to any other individual.
  - Use for access to and distribution of indecent or obscene material, child pornography, inappropriate text or graphic files, or files dangerous to the integrity of the network.
  - Use of internet/e-mail resources for commercial use or profit.
  - Extensive use of internet/e-mail resources for personal use.
  - Solicitation of funds.
  - Political messages.
  - Harassing messages.
  - Messages that could be construed as sexually explicit or discriminatory based on race, national origin, sex, age, disability, religious or political beliefs, or other status protected by law.
8. All e-mail messages must be businesslike, courteous, civil, and written with the expectation that they could be made public at some time in the future. E-mail will enhance overall employee communications. Each user is responsible to process received e-mail appropriately. Confidential information (such as personnel or legal materials) should be communicated via a more secure method.
9. All e-mail messages are subject to state and federal rules and Human Rights Acts.
10. A wide variety of information is available on the internet. Some individuals may find some information on the internet offensive or otherwise objectionable. Individual users should be aware that the City has no control over and can therefore not be responsible for the content of information available on the Internet.
11. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's e-mail messages without authorization from the City.
12. Alterations or enhancements shall not be made to the City's web page without prior approval of the City.
13. Any unlawful use of the internet/e-mail, or use in violation of this policy may result in discipline up to and including dismissal. Unlawful use may result in referral for criminal prosecution.

All employees are cautioned that the use of the internet for any purpose holds certain inherent risks. The internet is a vast worldwide collection of networks that remain totally unregulated. Though the internet provides excellent communications and research capabilities, there is always a possibility that information sent out on the internet can be retrieved and redistributed. The City will provide all available security to protect its users and information, but care should be used whenever out on the internet on a City account.

This policy describes guidelines regarding access to and disclosure of communications transmitted by computerized electronic mail messages and telephone voicemail messages or stored in word processing documents. It also includes instructions regarding the general use of computer and telephone systems. While we respect the individual privacy of employees outside the workplace, employee privacy does not extend to the employee's work-related conduct or to the use of City provided equipment or supplies.

Employees should be aware that the following guidelines affect employee's privacy in the workplace.

U.S. Mail: The City reserves the right to open any mail addressed to an employee and delivered to the City's business address if the mail is not clearly marked as "personal" or "confidential."

E-mail, Voicemail, and Word Processing: The City has installed the e-mail, voicemail and word processing systems to facilitate business communications. Although each employee has access to these systems, the systems belong to the City. The contents of stored communications are accessible at all times by the City for any purpose. These systems may be subject to periodic unannounced inspections. All stored e-mail and voicemail messages and word processing documents are City records. To protect the City's interest, the contents of such messages and documents may be reviewed and/or disclosed within the City without any employee's knowledge or permission. Therefore, employees should not assume that the communications are confidential. Back-up copies of e-mail and voicemail messages and word processing documents may be maintained and referenced by the City.

### **Professional Use of E-mail, Voicemail and Word Processing Systems**

Employees may not use the City e-mail, voicemail or word processing systems in any way that may be viewed as insulting, disruptive, or offensive by other persons, that might be harmful to morale, that is in the conduct of personal business of the employee, or that violates other City policies. Examples of forbidden transmissions or screensavers include sexually explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on race, national origin, sex, age, disability, religious or political beliefs, or other status protected by law. Employees should be aware that all provisions of policy manual concerning employee communications, including the anti-harassment, apply in the same manner to electronic communications as to other oral or written communications.

Use of the e-mail, voicemail or word processing systems in violation of this guideline or other City policies may result in disciplinary action, up to and including discharge.

### **Personal Use of E-mail and Voicemail**

Because the City provides the e-mail and voicemail systems to assist employees in the performance of their jobs, employees should use them primarily for official City business. Incidental personal use of e-mail and voicemail is permitted by the City, but these messages will be treated the same as the official business messages. The City reserves the right to access and disclose as necessary all messages sent over its e-mail and voicemail systems, without regard to content. Because City management without prior notice or consent can access personal messages, employees should not use e-mail or voicemail to transmit any messages employees do not want to be read or reviewed by a third party.

E-mail and voicemail messages are subject to the same policies as and should not be treated differently from other communications. Misuse of the electronic communications systems may result in disciplinary action up to and including discharge.

## Personal Use of the City Computers Generally

An employee's occasional use of the City computer equipment to type a document for an educational or charitable purpose is acceptable. However, in order to keep these uses to a reasonable level, an employee should obtain prior approval to use the system in this manner. Under no circumstances may personal letters be printed on the City letterhead. Moreover, be aware that the City may purge files on the computer systems at any time without notice. The use of City computers or permitted personal efforts must occur outside business hours, and any files created are to be deleted at the end of the project.

## Password [and Encryption Key] Security and Message

Unauthorized use of the passwords [and encryption keys] of other employees to gain access to other employees' e-mail or voicemail messages or computer files is prohibited. Access to libraries and archives not related to the performance of one's job assignment are viewed as inappropriate behavior and may be grounds for disciplinary action up to and including discharge.

Additionally, no e-mail messages should be sent from another employee's computer terminal without that employee's permission. No e-mail or other electronic communications may be sent which attempt to hide the identity of the sender or represent the sender as someone else.

## Software Policy

In order to avoid copyright violations and to minimize the risk of exposing City computers to a computer virus, employees are not permitted to install any software whatsoever on any of the City's computers or any device connected to the City network without the prior approval of the department head. The copying of City computer software or software documentation is strictly prohibited.

## Social Media

Because of the number of thriving online communities, social networking has become an important form of personal communication. Social media includes blogs, podcasts, message boards, news web sites, content-sharing sites like YouTube, and social networking sites such as LinkedIn, Facebook, Twitter, etc.

The fundamental rules are simple: City policies and standards apply to both the physical and virtual communication world.

This policy covers two areas of employee online conduct: (1) personal – maintaining personal social media sites and/or posting to the social media sites of others, and (2) as a City employee - posting as an identified employee supporting the City.

- **Using social media on a personal basis** – When using social media on a personal basis, you are still an employee of the City. As a result, what you say – and how you say it – reflects on the City. Readers may connect your personal life to your professional life, so your use of social media should be consistent with your role as an employee. Authors of personal blogs must use a disclaimer making it clear that the views expressed are theirs alone and do not necessarily reflect those of the City. The following disclaimer is recommended for use with all blogs created by employees of the City: *‘Everything posted on this blog, site or page is my opinion and does not necessarily reflect the views of my employer.’*

- **Using social media as an identified employee of the City** – There may be occasions when it is appropriate for you to post social media content on behalf of the City. Before doing so, you must first receive authorization from the City. That includes any effort you might make to defend or promote the City.
- **Social networking, social media and interaction with the blogosphere** – When authorized to interact through social media in a professional capacity, employees should uphold the principle of transparency. When posting professionally, you must identify yourself as a City employee.
- **Respectful and considerate postings** – Blogs and other social media are global communications. Search engines make much of this information easily accessible. Be thoughtful and professional with all that you post.
- **Media Inquiries/coverage** – Blog postings can generate media coverage or significant traffic on a site. Per City policy, refer all questions regarding the City to the City Administrator.
- **On your own time** – All time spent on personal blogs or other social media channels must be done on personal time and must not interfere with work commitments.

### **City Property**

Any employee separating from the employment of the City of Clinton for any reason shall, prior to separation, return all city property, keys, passwords, logins, and equipment issued the employee. Failure to return city-owned property and equipment by date of separation, or failure to return property and equipment in acceptable condition or until reimbursement for the equipment or property has been made, may result in the temporary withholding of compensation or benefits due the employee or an appropriate civil or criminal action by the City of Clinton.

### **Use of City Vehicles and Equipment**

City-owned vehicles and equipment are to be used only for City business and by City employees. Only those vehicles and equipment that have been assigned to a specific employee by the department head, and for which there is an applicable vehicle and/or equipment policy approved by the City Council, may be taken to an employee's place of residence.

### **Termination**

Employment status with the City of Clinton is based on the doctrine of at will employment:

1. An employee may terminate employment at any time, for any reason.
2. An employee may be terminated at any time, for any reason.

Wages and accrued benefits will be paid upon termination as required by law.

**References**

The City does not provide former employees with references for work performed for the City. Consistent with Chapter 610 RSMo, the City will provide in response to any inquiry regarding a City employee that employee's position, duration of employment, and rate of compensation.

**Official Travel and Related Expenses**

The City of Clinton shall pay for travel and related expenses while carrying out official duties or attending pre-approved professional conferences and training courses which will benefit both the employee and the City. All travel and related expenses shall be in accordance with the City's Travel & Training Policy.

**Work Schedules**

The department head shall have the authority to set work schedules for employees within the department. The department head, or designee, shall maintain current work schedules. Employees shall be given reasonable notice of any changes in work schedules.

The department head shall have the authority to require employees to work overtime as a condition of employment, if deemed necessary for the welfare of the department or City.

**Paid Holidays**

The following days are designated as paid holidays for full-time employees:

New Year's Day .....	January 1 <sup>st</sup>
Martin Luther King Day .....	3 <sup>rd</sup> Monday in January
Presidents' Day .....	3 <sup>rd</sup> Monday in February
Memorial Day .....	Last Monday in May
Independence Day .....	July 4 <sup>th</sup>
Labor Day .....	1 <sup>st</sup> Monday in September
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Day following Thanksgiving Day .....	Friday following Thanksgiving
Christmas Day .....	December 25 <sup>th</sup>

Paid holidays that fall on Saturdays shall be observed on the preceding Friday. Paid holidays that fall on Sundays shall be observed on the following Monday.

**Compensation for Paid Holidays**

Compensation for paid holidays is calculated according to the following:

1. General employees

- a. Full-time General employees who do not work due to a designated paid holiday shall receive 8 hours of holiday pay.

- b. General employees who are required to work on a paid holiday, due to an emergency or other extenuating circumstance, shall receive 8 hours of holiday pay plus regular pay for the hours actually worked.

## 2. Police

- a. Non-shift Police personnel, whose schedules are typically Monday-Friday, shall be off-duty on the paid holiday and receive 8 hours of holiday pay.
- b. Shift officers who are scheduled to work on a paid holiday shall receive regular pay for the hours actually worked plus 8 hours of holiday pay.
- c. Shift officers who are not scheduled to work shall receive 8 hours of holiday pay. Off-duty shift officers who are required to work, due to an emergency or other extenuating circumstance, shall receive 8 hours of holiday pay plus regular pay for the hours actually worked.
- d. Non-shift officers, excluding the Chief and Deputy Chiefs, who are required to work on a paid holiday, due to an emergency or other extenuating circumstance, shall receive 8 hours of holiday pay plus regular pay for the hours actually worked.

## 3. Fire

- a. Non-shift Fire personnel, whose schedules are typically Monday-Friday, shall be off-duty on the paid holiday and receive 8 hours of holiday pay.
- b. Shift firefighters who are scheduled to work on a paid holiday shall receive regular pay for the hours actually worked plus 16 hours of holiday pay.
- c. Shift firefighters who are not scheduled to work shall receive 16 hours of holiday pay. Off-duty shift officers who are required to work, due to an emergency or other extenuating circumstance, shall receive 16 hours of holiday pay plus regular pay for the hours actually worked.

### **Holidays during Vacation Leave**

When a paid holiday occurs during a scheduled vacation leave, the employee shall receive holiday pay, in lieu of vacation pay.

### **Absences Preceding or Following Holidays**

An employee absent on a regular work day preceding or following a holiday shall not receive holiday pay for the holiday unless:

1. The employee is not scheduled to work the day preceding or following the holiday.
2. The employee is on vacation on the day preceding or following the holiday.
3. The employee is hospitalized on the day preceding or following the holiday, on extended sick leave or a healthcare professional verifies the absence was unavoidable.

### **Alcohol and Controlled Substances**

Refer to the City of Clinton's current ordinance regarding Alcohol and Controlled Substance Use, Abuse and Testing Policy.

## Section 7

### Leaves

#### Sick Leave

##### Accrual Rates

- General employees: 3.69 hours / pay period
- Police: 3.8 hours / pay period
- Fire: 5.5 hours / pay period

##### Maximum Accrual

- General employees: 720 hours
- Police: 720 hours
- Fire: 2,160 hours

##### Separation from Employment

- No payment shall be made for unused sick leave.
- No sick leave will be granted during the final two (2) weeks of employment.

##### Other Information

- Sick leave shall accrue from the date of hire, but will not be granted during the first six (6) months of employment, except in the case of illness or injury incapacitating the employee.
- Accrued sick leave may be used for the following reasons, with department head approval:
  - Illness, injury or disability, but not used simultaneously with workers comp insurance.
  - Appointments with doctors, dentists or other health care providers.
  - Maternity leave.
  - Illness or injury of immediate family members who require assistance.
- Employees must notify supervisors of their intent to use sick leave.
- Department heads may require employees to provide verification of the reason for the sick leave before approving use of sick leave.
- Sick leave does not accrue during time off without pay.

### Family Medical Leave (FMLA)

Family and Medical leave may be taken by eligible employees for any one, or combination, of the following qualifying events:

- Birth of a child (including prenatal care), and to care for the newborn child;
- To care for a child during the first 12 months following the placement of the child for adoption or foster care by the employee;
- To care for your spouse, child or parent with a serious health condition and/or;
- To deal with your own **serious health condition** when you are not able to perform your job duties.

(A "serious health condition" is an injury, illness, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.)

### Military Family Leave (MFLA)

Eligible employees may take MFLA leave in connection with a covered family member's service in the Armed Forces. The City shall grant MFLA to eligible employees for any one (or combination thereof) of the following reasons:

- Service Member Family Leave: A "qualifying exigency" arising out of the Service member's duty, or call to duty, in the Armed Forces (up to 12 work weeks);
- Service Member Caregivers Leave: To care for a covered family member who incurred a serious injury or illness in the line of duty, while on duty in the Armed Forces, rendering the family member unable to perform the duties of their office, grade, rank or rating (up to 26 work weeks).

### Qualification

The City may grant a leave of absence under the Family and Medical Leave Act (FMLA) and Military Family Leave Amendments (MFLA) to eligible employees for certain qualifying reasons. [To be eligible, employees must have completed at least 12 months of service with the City and have worked at least 1,250 hours in the twelve-month period immediately preceding the leave. An eligible employee may take up to 12 work weeks of unpaid leave (or up to 26 work weeks for military caregiver leave) during a rolling 12-month period measured forward from the date the first qualifying FMLA/MFLA leave commences.]

### Substitution of Paid Leave

- If the employee has accrued or earned paid leave, the employee must use any qualifying paid leave at the same time as any FMLA or MFLA leave.
- Qualifying FMLA/MFLA leave also runs concurrently with applicable time off that is otherwise provided by the City. For example, the FMLA/MFLA leave may run concurrently with applicable short-term disability or workers' compensation leave.
- Any city holiday occurring during FMLA leave will only be a paid holiday if the employee is receiving paid leave concurrently on the closest work day before the city holiday.

### Intermittent Leave

- Leave may be taken on an intermittent or reduced schedule basis for a serious health condition (either of the employee or an immediate family member) or to care for an injured/ill service member when such leave is certified as medically necessary.
- An employee may be transferred to an alternate job while on intermittent or reduced schedule leave, provided that the alternative job better accommodates recurring periods of leave, if the leave is foreseeable based on planned medical treatment.
- Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the City and you agree on such intermittent leave.

### Requests

You may request FMLA/MFLA leave by contacting your supervisor.

- Foreseeable leave (excluding MFLA exigency leave): If the need for leave is foreseeable, you should provide notice at least 30 days in advance of the requested leave, unless it is not practicable to do so. If it is not practicable to give at least 30 days advance notice, then notice must be given as soon as is practicable under the circumstances.
- Unforeseeable leave: If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.
- MFLA Exigency Leave (Foreseeable and Unforeseeable): If leave is for an MFLA qualifying exigency, foreseeable or not, notice must be given as soon as reasonable and practicable under the circumstances.
- When submitting a request for leave, the employee must provide sufficient information for the City to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason which FMLA leave was previously taken or certified. Employees will be required to provide a certification and periodic recertification supporting the need for leave.

After notice is given, the City will initiate the Notice of Eligibility of Certification process. An employee will first be notified of eligibility for leave, as well as notified of the rights/responsibilities associated with FMLA/MFLA leave within 5 days of the request. (Notice of Eligibility and Rights and Responsibilities) The eligibility notice shall be provided to an employee within 5 business days (absent extenuating circumstances). If deemed eligible, an employee will be notified later as to whether the requested leave has been designated as qualifying FMLA/MFLA following review of the medical certification. (Designation Notice)

### Medical Certification

The City requires appropriate medical documentation be provided by employees requesting leave. To obtain a medical certificate for the leave approval process, employees shall contact their supervisor. This includes the medical certification for one's own serious health condition (Certification of Health Care Provider for Employee's Serious Health) or certification to care for an immediate family member with a serious health condition (Certification of Health Care Provider for Family Member's Serious Health Condition). The City also requires appropriate documentation regarding military exigency leave (Certification of Qualifying Exigency for Military Family Leave) and military service member caregiver leave (Certification for Serious Injury or Illness of Covered Service member for Military Family Leave) which are also available through your supervisor. Certain medical certification requirements are set forth below:

- Medical certification and recertification must be returned within 15 days after the City's request, regardless of whether leave is foreseeable or unforeseeable, unless not practicable to do so. If a request is made for an employee to cure any deficiencies (inadequate or incomplete certification or recertification), the time frame for the employee's response is 7 calendar days, unless not practicable.
- Medical certification may be required if you are returning to work following a leave during which the employer has paid health care premiums; and/or
- Re-certification may be required if the leave duration is beyond 30 days, and one of the following: (1) upon expiration of the period of incapacity specified on the certification; (2) in any event, every 6 months in connection with an absence; (3) if extension of leave is needed; (4) if there is a significant change in the certification of incapacity; (5) where continuing validity of certification is in doubt.

The City may seek authentication or clarification of a medical certification/recertification through the certifying health care provider. The City may also require the employee to undergo a second and, if deemed necessary, third independent examination as designated by the City due to doubts regarding the validity of a certification.

If a medical certification or recertification is not returned by an employee within 15 days, the result may be denial of the leave. If an employee fails to obtain a medical certification or recertification, as requested within 7 days, the result may be denial of the leave.

### Employee Notification and Other Requirements

In the event an employee must take FMLA/MFLA, it is the employee's responsibility to notify their supervisor of any time away from work for FMLA/MFLA covered purposes, including time for doctor's appointments, treatments, lapses in the recovery process, military appointments, etc. The notice shall be provided by the employee as required under the routine attendance procedures applicable to that employee.

If an intermittent leave is due to one particular illness or injury, the employee is not required to re-apply for the leave; however, the employee is required to provide recertification as set forth above. If a FMLA/MFLA leave is based on a different situation/condition, the employee must submit a new certification.

### Fitness for Duty

The City requires an employee to provide a Fitness for Duty certification under the following circumstances: (1) when an employee is returning from continuous leave; and (2) every 30 days (or longer, if deemed appropriate by management) during an intermittent or reduced schedule leave where reasonable safety concerns exist due to the serious health conditions that is the basis for the leave.

If a Fitness for Duty certification is not returned by employee within 15 days, the result may be denial of the leave and/or separation from employment depending upon the circumstances. If an employee fails to obtain a Fitness for Duty certification, as requested within 7 days, similar consequences may occur depending upon the circumstances. The City may also seek clarification and/or authentication of the Fitness for Duty certification through the certifying health care provider.

### Interim Benefits

Under FMLA, the City will maintain employee coverage under the group health plan for the duration of the employee's FMLA leave at the level and under the conditions such coverage would have been provided if the employee had not taken leave.

Employees are responsible for payment of their portion of health insurance premiums during such leave. Employees will be provided with advance notice of the costs and a schedule for remitting the payments. If the payment is more than 30 days late, upon 15 days written notice, the City's obligation to continue health care coverage ceases. The City will send a written reminder, which will also state that coverage may be canceled. If payment is not received within 30 days, employee coverage may be canceled.

If you do not return from scheduled FMLA leave, except for circumstance beyond your control, the City may consider you to have voluntarily resigned and recover certain health premiums it paid on your behalf, if any, during any unpaid FMLA leave. The City may require medical certification of any alleged continued serious health condition.

### Spouses

If the City employs both an employee and that employee's spouse, the combined FMLA-leave taken between the both will count towards the total amount of leave available. For example, employee and a spouse's combined FMLA-leave entitlement is a total of 12 weeks within the "12-month period" for any birth of a child, or placement of a child, or to care for an employee's own seriously ill parent. This can be split between the two employees in any proportions. Such leave will be charged against that employee's available FMLA leave time.

### Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the City on the first and third Tuesday of each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

### Reinstatement

Eligible employees are entitled to reinstatement to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment upon return from leave. Exceptions to this provision may apply if business circumstances have changed (i.e., if the position is no longer available due to a job elimination). Exceptions may also apply for certain key employees (as defined in FMLA regulations).

### Other Employment

FMLA leave is provided to employees for specific purposes set forth herein; therefore, other employment during FMLA leave is prohibited.

### Military Leave

The City complies with all requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any applicable state military leave laws. A military leave for military duty in the state National Guard, United States Reserves, or United States Regular Armed Forces will be granted to any regular full-time or regular part-time employee without pay (or with pay in certain circumstances). The term "military duty" as in this policy includes active duty, training duty, reserve duty, or such forms of duty as are recognized under USERRA or state law (including voluntary as well as involuntary duty if said laws require time off from work for it).

### Notice of Need for Military Leave

An employee must promptly notify his/her department supervisor and/or director upon receipt of orders or notice of the need for military leave of any duration and provide a copy of any written orders verifying the need for military leave. The employee's absence from regularly scheduled work hours for military duty will be reflected on the City's records as "military leave" regardless of the duration of the absence. As a general rule, the maximum amount of military leave is a cumulative period of 5 years, except as may otherwise be provided by USERRA or state law.

### Paid Military Leave

At the option of the employee, the employee may use accrued but unused vacation, floating holiday, and compensatory time off while on any portion of military leave that is unpaid. If the employee does not elect to use such accruals while on military leave, they will be held for employee's use upon return to work from military leave.

An employee may be eligible for paid military leave (without loss of pay or other benefits) for a period not to exceed 120 hours in any federal fiscal year (October 1 through September 30) if: (1) the employee is engaged in the performance of duty or training in the National Guard for the State of Missouri at the call of the Governor and as ordered by the Adjutant General; or (2) the employee is engaged in the performance of duty in the Regular Armed Forces of the United States under competent orders. Before an employee will be paid by the City under this paragraph, the employee must provide the Human Resources office an official order

from the appropriate military authority (with certification of the employee's commanding officer of performance of the military duty in accordance with the terms of the order) as evidence that the military duty in question qualifies for pay by the City.

#### Continuation of Benefits during Military Leave

An employee will not be credited with or accrue paid vacation, paid leave, holidays, longevity pay, or other paid time off benefits while on military leave, but upon return to work from military leave, said accruals will again begin using the employee's length of service as if the employee had continuously worked instead of taking military leave. An employee's health insurance coverage will be continued while the employee is on military leave for 30 days or less. An employee on military leave for more than 30 days will have the right to continue his/her health insurance coverage at his/her own expense for up to 18 months. If an employee elects not to continue such coverage, he/she will again be eligible to reinstate such coverage upon return to work following military service and will not be required to serve any waiting period before becoming eligible for health insurance benefits.

#### Return from Military Leave

When an employee's military service ends, the employee will be reinstated in accordance with USERRA requirements, except for employees separated from military service under other than honorable conditions (who have no reinstatement rights). The employee must submit appropriate documentation that verifies his/her date of release from military duty and confirming that his/her separation from military service was under honorable conditions. To qualify for reinstatement, an eligible employee must reapply for employment according to the following guidelines:

<u>Length of Service</u>	<u>Reapplication deadline</u>
30 days or less	Report on the next regular work day after reasonable rest period
31-180 days	Apply for reinstatement within 14 days of completion of services
181 days up to five years	Apply for reinstatement within 90 days of completion of services

The City will comply with all State of Missouri and USERRA requirements regarding an employee's reinstatement rights. This paragraph provides a general summary of those requirements. Upon timely return to work from military duty, the employee will in most cases be reinstated to the same position he or she would have held had he or she not taken military leave but had remained continuously employed, or to a position of like seniority status and pay. However, no employee will be reinstated to a position for which he/she is not qualified and for which he/she cannot become qualified within a reasonable period. An employee returning to work after military service may be required to take a fitness for duty exam to confirm that he/she is capable of performing the requirements of the job in which he/she is placed, and if the employee cannot perform the essential functions of his/her job, by placement in a job which he/she is capable of performing.

Upon return from military duty, an employee will be restored or credited with such seniority and benefits as are required by law. For purposes of retirement benefit calculations under LAGERS, employees returning to work after military leave will normally be treated as not having incurred any break in service while on military leave, and military service will be considered as service with the City for benefit vesting and benefit accrual purposes.

Upon return to work from military service, an employee's employment may not be terminated by the City except for "cause" for a period of six months if the employee's military leave was more than 30 days and less than 181 days (or for a period of one year months if the military as at least 181. days). The term "cause" will have the meaning given to it under USERRA.

#### Non-Discrimination

The City will not discriminate against any employee or applicant based on his/her past, current or future military service. Additionally, the City will not retaliate against any employee for exercising his/her rights under state or federal laws with respect to military service. The City will not permit any elected official, supervisor, co-worker or subordinate to retaliate against any employee who exercise his/her rights under state or federal laws regarding military service.

Any employee who believes he/she has suffered any reprisals or retaliation of any kind for exercising rights arising from his/her military service is to promptly report any such reprisals or retaliation to the City Administrator and the employee's Department Supervisor and/or Director. There will be no reprisals or retaliation against employees for filing good faith complaints of possible reprisals or retaliation. All reports of reprisals or retaliation will be promptly investigated and appropriate action taken if warranted.

#### Victims of Domestic or Sexual Violence Leave

The City will provide employees who are Qualified Individuals with up to two (2) work weeks of leave pursuant to Section 285.630 RSMo for the following purposes:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- Obtaining services from a victim services organization for the employee or the employee's family or household member;
- Obtaining psychological or other counseling for the employee or the employee's family or household member;
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
- Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

In order to qualify for leave, an eligible employee shall contact their supervisor 48 hours in advance, or as soon as practicable if less than 48 hours notice is possible, and provide certification of their eligibility as required by law.

## Vacation Leave

### Accrual Rates

- General, Police and Non-shift Fire personnel
  - Hire date through 10 years of employment – 3.08 hours / pay period
  - 11<sup>th</sup> year – 3.39 hours / pay period
  - 12<sup>th</sup> year – 3.70 hours / pay period
  - 13<sup>th</sup> year – 4.00 hours / pay period
  - 14<sup>th</sup> year – 4.31 hours / pay period
  - 15<sup>th</sup> year – 4.62 hours / pay period
- Fire – Shift Personnel
  - Hire date through 10 years of employment – 4.62 hours / pay period
  - 11<sup>th</sup> year – 5.08 hours / pay period
  - 12<sup>th</sup> year – 5.54 hours / pay period
  - 13<sup>th</sup> year – 6.00 hours / pay period
  - 14<sup>th</sup> year – 6.47 hours / pay period
  - 15<sup>th</sup> year – 6.93 hours / pay period

### Maximum Carry-Over of Accrued Hours on January 1

1. General, Police and Non-shift Fire personnel
  - 144 hours
2. Fire – Shift Personnel
  - 216 hours

Hours that exceed the maximum carry-over on January 1 of each year will be forfeited.

### Separation from Employment

- No payment shall be made for accrued vacation hours if separation occurs during the first twelve (12) months of employment.
- Payment of accrued vacation hours after twelve (12) months of employment shall not exceed the maximum carry-over amount allowed.

### Other Information

- Vacation leave shall accrue from the date of hire, but will not be granted during the first twelve (12) months of employment.
- Absences in excess of authorized sick leave may, at the request of the employee and with department head approval, be charged against vacation leave.
- Vacation leave does not accrue during time off without pay.

### **Workers' Compensation Leave**

An employee who has become eligible for workers' compensation benefits, as provided by current Missouri Statutes, shall not accrue vacation and sick leave benefits while off work and receiving workers' compensation insurance benefits.

### **Funeral Leave**

An employee will be granted three (3) days leave with pay upon the death of a member of the employee's immediate family. Such leave shall not be deducted from sick leave or vacation leave.

### **Jury Leave**

An employee shall be granted leave with pay when required to be absent from work for jury duty. Compensation for such leave shall be limited to the difference between the pay received by the court for jury service and normal City pay.

### **Leave of Absence without Pay**

A full-time employee may be granted a leave of absence without pay for a period not to exceed one year. This leave of absence must be recommended by the department head, City Administrator and the Personnel Board and approved by the City Council.

During the employee's leave of absence, the City may, consistent with the terms of the City's then current health plan, continue to provide health insurance coverage for the employee on the same basis as an active employee is provided with the same. Failure to pay the employee portion of any premiums in a timely manner may result in a lapse of coverage. If the employee chooses not to make such payments, the employee will nevertheless be restored to the plans with no break in service upon return from leave. An employee who does not return may be required to repay any health insurance premiums paid by the City during leave.

Upon return from the leave of absence, the employee will be returned to the same or an equivalent position with no loss in benefits which accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave will be considered to have voluntarily resigned, unless the reason for the employee's failure to return to work is the employee's inability to do so because of a disability as defined in the Americans with Disabilities Act, in which case the City will engage in the interactive process with the employee to determine if there is a reasonable accommodation that would allow the employee to return to work or some other reasonable accommodation can be made.

## Section 8

### Disciplinary Action

#### Employee and Supervisor Responsibilities

It is the responsibility of every employee to attempt to correct any faults in job performance when called to his/her attention and to make every effort to avoid conflict with the City's rules and regulations.

It is the responsibility of every supervisor to discuss and document improper or inadequate job performance with an employee in order to correct deficiencies and to avoid the need to exercise disciplinary action.

#### Progressive Discipline

Discipline shall be, whenever possible, of an increasingly progressive nature: a) warning; b) suspension without pay; c) demotion; d) probation; and e) termination. In appropriate situations, a combination of these may be used. The department head shall decide which disciplinary action is appropriate.

This policy, and its description of a sequence of disciplinary actions serves only as a guideline. The City reserves the right to decrease or increase the severity of the disciplinary action, or to immediately discharge an employee, depending upon the nature and severity of the offense or upon the length of time since the last offense. The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

#### Grounds for Action

Disciplinary action by a department head against an employee shall be based on an employee's failure to comply with job requirements, such as, but not limited to, attendance and punctuality or the failure to perform duties in a competent and safe manner. In addition, employees may be disciplined for conviction of a crime, for insubordination, reckless behavior, for violation of the City's policies or for conduct which brings discredit upon the city government.

Department heads shall be subject to disciplinary action, except termination, by the City Administrator. Termination of a department head must be approved by a majority of the members elected to the City Council.

### Employee Notice

Written notice shall be given to each employee by the department head stating the reason(s) for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at time such action is taken, but in any event, not later than three working days from the date of action. A copy of the notice, signed by the employee, shall be placed in the employee's personnel file and shall serve as evidence of delivery. Regular full time employees shall be given written notice of dismissal.

### Right of Appeal

The appeal process as outlined in Section 9 shall be available to full time employees who are suspended, demoted, returned to probationary status for disciplinary reasons or terminated.

## Section 9

### Appeals

#### Appeal Process

A formal process whereby full time employees may obtain a review, by higher authorities, of a suspension, demotion, return to probationary status for disciplinary reasons or termination.

#### Procedure

1. Within five working days of the suspension, demotion, return to probation, or termination, the employee may request a review of the action by the City Administrator. The City Administrator shall meet with the employee and the employee's department head within five working days of the request and attempt to resolve the matter informally.
2. If the matter is not resolved informally, the employee may, within five working days of the City Administrator's decision, file an appeal with the Personnel Board. The appeal shall be in writing.
3. The Personnel Board shall respond to the employee in writing within ten calendar days by setting a date and time to hear the employee's appeal. Prior to the hearing date the City Administrator shall submit a report to the Personnel Board documenting the action taken against the employee. The Personnel Board may request the employee's department head to attend the hearing.
4. The employee may bring one person to the Personnel Board hearing as a representative. There shall be a quorum for the Personnel Board to hear the appeal. If there is no quorum the hearing will be continued to a mutually convenient time. If the employee fails to attend the hearing, the action against the employee shall stand and the matter is closed.
5. Within ten days after the hearing, the Personnel Board shall issue a written opinion to the City Council and the employee. At the next regularly scheduled meeting, the City Council shall consider the matter and shall issue its written decision within five days after the meeting. The decision of the City Council shall be final.

#### At-Will Status

Nothing set forth herein relating to appeals shall be deemed a restriction, limitation or qualification of an employee's at-will employment status.