



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
December 5, 2022 - 4:00 pm

VIEW THIS CITY COMMISSION STUDY SESSION VIRTUALLY AT

www.abilenecityhall.com/watchlive

PURPOSE

The City Commission's study sessions are for the purpose of providing the commission the opportunity to study items in more detail.

OPEN FORUM

This is an opportunity for citizens to address the Commissioners on issues not on the agenda. Speakers will be allowed a 5-minute time limit.

STUDY ITEMS

1. Legacy Kansas Community Improvement District (CID) Resolution to set Public Hearing
2. Resolution for Employees Policies and Guidelines update
3. GAAP Waiver Resolution
4. 2023 Cereal Malt Beverage renewals (consent agenda)
5. Sports Complex Task Force appointments (consent agenda)
6. Street Maintenance Sales Tax discussion



City of Abilene
Item for City Commission Agenda

Meeting Date: 12/12/22

Originating Department

Administration

Prepared By:

Approved for Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

CID petition from Legacy Kansas; Resolution 121222-1 calling for a notice of public hearing

BACKGROUND:

Included in the packet is the official CID (Community Improvement District) petition from Deanna Munson Trust (Legacy Kansas) and a resolution calling for a notice of public hearing on the advisability of creating the district and the city's intent to levy that 2% sales tax within that district. The public hearing, upon approval of today's resolution, is scheduled for December 27, 2022 at 4:00 p.m.

FISCAL NOTE:

The total estimated cost of the proposed project is \$1,800,000, of which \$525,000 plus the City's administrative costs are to be funded by the CID sales tax.

COMMISSION ACTION:

Consider Resolution 121222-1 calling for a notice of public hearing

RESOLUTION NO. 121222-1

A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE, KANSAS TO BE KNOWN AS THE LEGACY KANSAS COMMUNITY IMPROVEMENT DISTRICT AND REGARDING THE CITY'S INTENT TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX WITHIN SUCH DISTRICT.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the "Act") authorizes the governing body of any city to create community improvement districts to finance projects within such defined area of the city and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance projects; and

WHEREAS, a petition dated November 28, 2022 (the "Petition") was filed with the City Clerk proposing the creation of the Legacy Kansas Community Improvement District ("CID") under the Act and the imposition of a community improvement district sales tax in order to pay the costs of the Projects (defined herein); and

WHEREAS, the Petition was signed by the required number of owners of record, as required by the Act; and

WHEREAS, the City of Abilene, Kansas (the "City") intends to create the CID and to levy a community improvement district sales tax in an amount equal to two percent (2.0%) as requested in the Petition (the "CID Sales Tax"); and

WHEREAS, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating the CID, approving the Projects described herein and levying the CID Sales Tax, pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, AS FOLLOWS:

SECTION 1. Petition. The Governing Body hereby finds and determines that the Petition meets the requirements of the Act.

SECTION 2. Public Hearing. It is hereby authorized, ordered and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the CID, approving the Projects, and whether to impose a CID Sales Tax in an amount equal to 2.0% and such other matters related thereto, such public hearing to be held on **December 27, 2022 at 4:00 p.m.**, or as soon thereafter as the matter can be heard, in the City Commission meeting room located in the Abilene Public Library, at 209 NW 4th Street, Abilene, Kansas, under the authority of the Act.

SECTION 3. Proposed CID Projects. The general nature of the proposed projects described in the Petition to be constructed within the CID (the “Projects”) includes but is not limited to the acquisition, renovation, and repair of the restaurant building located at 105 E. Lafayette Ave., Abilene, Kansas, including site preparation and development; construction of buildings and tenant finish improvements, including FF&E; construction of infrastructure and surface parking; ongoing operation and maintenance costs; the City’s administrative costs in establishing and maintaining the CID; and other items collectively permitted to be financed within the CID under the Act and the City’s CID Policy.

SECTION 4. Estimated Cost. The total estimated cost of the proposed Projects is \$1,800,000.00, of which \$525,000.00 plus the City’s administrative costs are to be funded by the CID Sales Tax (“Reimbursable Project Costs”).

SECTION 5. Method of Financing, Community Improvement District Sales Tax and Special Assessments. The Project will be privately financed through a combination of private equity and private debt. The Reimbursable Project Costs will be financed on a pay as you go basis, i.e., the Reimbursable Project Costs will be paid for by the petitioner without the issuance of notes or bonds, and the petitioner will be reimbursed for the Reimbursable Project Costs as moneys are deposited in the CID fund through the imposition of the CID Sales Tax. No special assessments will be imposed within the CID in conjunction with the Projects.

SECTION 6. Map and Legal Description of Proposed CID. The legal description of the property to be contained in the proposed CID is set forth on **Exhibit A** attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed CID is attached as **Exhibit B** hereto, and incorporated by reference herein.

SECTION 7. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of this Resolution in the official City newspaper. Such publication shall be at least once each week for two consecutive weeks. The second publication shall be at least 7 days prior to the date of the hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, to all property owners within such proposed CID at least 10 days prior to the date of the hearing.

SECTION 8. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

Passed and approved by the Governing Body of the City of Abilene, Kansas, on this 12th day of December, 2022.

Dee Marshall, Mayor

ATTEST:

Shayla Mohr, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED LEGACY KANSAS CID

Lots 3 and 5, Block 1, Martin Addition, a Replat of Lots 1 and 2, Block 1, Fitzsimons Addition to the City of Abilene, Dickinson County, Kansas

EXHIBIT B
MAP OF PROPOSED LEGACY KANSAS CID



PETITION FOR COMMUNITY IMPROVEMENT DISTRICT (CID)

MARTIN ADDITION (Brookville/Munson Prime)

(Address: 105 East Lafayette, Ave Abilene, Kansas 67410)

To: The City of Abilene, Kansas (the “City”)

Deanna M. Munson, Trustee of the Deanna M. Munson Trust dated April 10, 1998 (the “**Petitioner**”) is the owner of record of certain real property legally described on *Exhibit A* attached hereto and incorporated herein by reference (the “**Petitioner Property**”). Petitioner desires the City establish a Community Improvement District (“**CID**”) over the Petitioner Property, generally described in *Section 1.a.* herein and authorize the proposed CID project described herein.

The Petitioner owns in fee simple more than 55% of the land area within the proposed CID and more than 55% of the land measured by assessed value of the land area within the proposed CID. As such, Petitioner hereby requests that the City establish a CID over the Petitioner Property and authorize the proposed CID project described in *Section 2* herein (hereinafter described as the “**Project**”) in the manner provided by K.S.A. 12-6a26 *et. Seq.* (the “**CID Act**”) for the purpose of financing, in part, the CID Reimbursable Costs (hereinafter defined) associated with the Project.

The Petition states as follows:

1. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

- a.** The area proposed to be included in the community improvement district (the “**District**”) includes the approximately 4.3 acres legally described on *Exhibit A* (the “**CID Property**”).
- b.** A general map depiction of the proposed District is attached hereto as *Exhibit B* and incorporated herein by reference.
- c.** The name of the proposed District is the “Legacy Kansas Community Improvement District.”

2. GENERAL NATURE OF THE PROJECT

The general nature of the CID Project consists of the acquisition, renovation, and repair of the restaurant building on the Petitioner Property. The Petitioner is requesting that revenues generated from a CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include, but are not limited to, such items as site preparation and development, construction of buildings and tenant finish improvements, including FF&E, construction of infrastructure and surface parking; ongoing operation and maintenance costs and any other items or uses associated with the CID Project as authorized by the Act. The CID Eligible Costs are described on *Exhibit C* attached hereto and incorporated herein by reference. The Project improvements proposed to be financed, in part, with CID financing consist of any and all reimbursement under the CID Act subject to any limitations set forth in the CID Act or in the City's CID Policy (the "**CID Reimbursable Costs**"). The CID Reimbursable Costs are generally described on *Exhibit C*.

3. ESTIMATED COST OF THE PROJECT

The estimated total cost of the proposed Project is approximately \$1,800,000

4. PROPOSED METHOD OF FINANCING

The Project is proposed to be financed initially through a combination of private equity, private debt and Pay-as-you-go financing, as defined in the CID Act. Petitioner will be reimbursed for CID Reimbursable Costs from a CID sales tax generated solely from the Project constructed on the CID Property and such reimbursement shall be made in accordance with the provisions set forth in an approved CID Development Agreement (the "**Development Agreement**") to be entered into between the City and Petitioner.

5. PROPOSED AMOUNT AND METHOD OF ASSESSMENT

No special assessments shall be levied for the District.

6. PROPOSED AMOUNT OF CID SALES TAX

The proposed amount of the community improvement district sales tax to be levied over the District (the “**CID Sales Tax**”) is:

Two percent (2.0%)

The CID Sales Tax shall be levied for 22 years from the date the State Director of Taxation begins collecting the CID Sales Tax, or such lesser number of years as may be required to produce the revenues sufficient for the payment of the maximum CID Reimbursable Costs identified in *Exhibit C*. Petitioner requests the City notify the Kansas Department of Revenue to commence collection of the CID Sales Tax within 30 days after a certificate of occupancy is issued for the Project.

7. NOTICE TO SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS AFTER THE GOVERNING BODY BEGINS CONSIDERATION OF THIS PETITION, OR, LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF, WHICHEVER OCCURS FIRST.

8. ACKNOWLEDGEMENTS

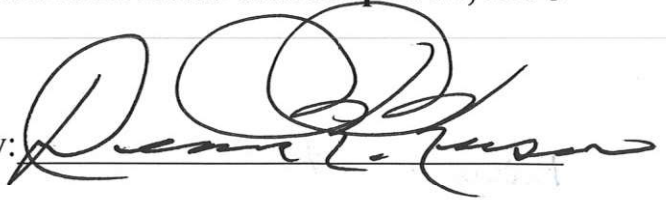
- a. Petitioner has received, read and understands the City’s CID Policy and agree to comply therewith.
- b. Approval of the proposed Project or this Petition does not eliminate compliance with all applicable zoning, planning, permit and other laws relating to development of the Petitioner Property within the District.
- c. The estimated amount of eligible CID Project costs are anticipated to far exceed the aggregate maximum amount of CID Reimbursable Costs set forth in *Exhibit C*; but based upon the anticipated amount of allowable CID Revenues to be generated over the CID Term, Petitioner is only requesting reimbursement of CID Reimbursable

Costs in the aggregate maximum amount of \$525,000 over the CID Term.

[Remainder of Page Intentionally Left Blank. Signature Pages to Follow]

Deanna M. Munson Trust dated April 10, 1998

By:



Name: DEANNA M. MUNSON, TRUSTEE

VERIFICATION

STATE OF Kansas)
) SS.
COUNTY OF Dickinson)

The foregoing petition was acknowledged before me this 21 day of Nov 2022 by Deanna M. Munson, Trustee of the Deanna M. Munson Trust dated April 10, 1998 and acknowledges she has authority to execute the Petition and said instrument is executed as her free act and deed.

(Seal)



Notary Public in and for said

County and State

My Commission Expires: 10/16/2023

*****For Office Use Only*****

This Petition was filed in the office of the Abilene City Clerk this 28th day of November, 2022

By: Shay Moh
Abilene City Clerk



EXHIBIT A

Legal Description of District

Lots 3 and 5, Block 1, Martin Addition, a Replat of Lots 1 and 2, Block 1, Fitzsimons Addition to the City of Abilene, Dickinson County, Kansas

EXHIBIT B

Depiction of District

Please note desired district is sections 3 and 5 on below map.

Parcel Search - Reference Map



CID ELIGIBLE COSTS

Description of Cost Item	Estimated Cost	Estimated Cost CID
Acquisition of buildingn	\$926,000	
Vertical building, structure and facility improvements	\$875,000	
Site work, including but not limited to grading, storm and sanitary sewers, drainage systems, utilities and similar site preparation improvements	X ¹	
Landscaping and irrigation	X ¹	
Streetscape, including lighting, street furniture, trash receptacles, walls, and other associated costs	X ¹	
Streets, sidewalks and associated costs and the costs of financing the same	X ¹	
Sculptures, fountains and other cultural amenities	\$ 30,000	
Constructing and operating parking lots and parking structures	X ¹	
Engineering and other professional consultant fees, including commissions however excluding attorney's fees	\$ 35,000	
Signage	\$ 60,000	
Tenant Improvement Costs, including FF&E	X ¹	
Security personnel, equipment, and facilities within the CID	X ¹	
Public transportation shelters, facilities and informational kiosks	X ¹	
Providing or contracting for the cleaning, maintenance, and other services to public or private property within the CID	\$ 28,000	
Marketing, sales and promotion of tourism and other special events within the CID including but not limited to advertising, decoration of public places, promotion of the events and furnishing music in any public place	\$ 50,000	
Marketing and supporting business activity, development and recruitment of developers and businesses	X ¹	
Ongoing ordinary and necessary maintenance and operational costs as authorized by the CID Act	X ¹	
Estimated Amount of CID Eligible Costs		

MAXIMUM AGGREGATE CID REIMBURSEABLE COSTS REQUESTED	X¹	
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X¹ SEE ATTACHMENT (NEXT PAGE)

ATTACHMENT

The Legacy Kansas, LLC located at 105 E. Lafayette Ave, Abilene was purchased as a complete facility. However due to lack of maintenance over the past 22 years the facility and grounds were in a state of disrepair. The new owners Chuck and Deanna Munson's desire to add steaks and other beef items to the previous chicken only menu required the kitchen to undergo a major renovation and many new pieces of equipment installed. The four dining rooms west of the lobby/waiting area were completely rejuvenated without major changes to their character. The northeast dining room and the small dining room across the corridor to the west have major renovations including a new secondary entrance and a new 28-foot long bar. Also, the heating and air roof top units required major upgrades and repairs. The roof had failed causing several major interior leaks resulting in extensive damage. In short almost everything in the building has been renovated, repaired or replaced resulting in a cost of \$875,000 in addition to the purchase price of \$926,000 for a total of \$1,800,000 to reopen the restaurant.



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/5/22
12/12/22

Originating Department

Administration

Prepared By:

Shayla Mohr, City Clerk/HR Director

Approved For Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

Resolution 121222-2, **A RESOLUTION AMENDING THE EMPLOYEE POLICIES AND GUIDELINES OF THE CITY OF ABILENE, KANSAS.**

BACKGROUND:

This resolution provides for an updated Employee Policies and Guidelines for City Employees.

All changes made are outlined on the attached document and are updates to the existing policy or cleaning up language.

All changes have been approved by both City Manager Marsh and City Attorney Martin.

These changes will go into effect January 1, 2023.

FISCAL NOTE:

None

COMMISSION ACTION:

Approve Resolution 121222-2, **A RESOLUTION AMENDING THE EMPLOYEE POLICIES AND GUIDELINES OF THE CITY OF ABILENE, KANSAS.**

RESOLUTION NO. 121222-2

**A RESOLUTION AMENDING THE EMPLOYEE POLICIES AND
GUIDELINES OF THE CITY OF ABILENE, KANSAS.**

WHEREAS, the City commission desires to adopt an updated Employees Policies and Guidelines of the City of Abilene, Kansas;

NOW THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, Kansas as follows;

SECTION ONE. This resolution supersedes all previous resolutions inconsistent with the new resolution.

SECTION TWO. That this Resolution shall be in full force as of January 1, 2023.

PASSED AN APPROVED by the Governing Body of the City of Abilene, Kansas this 12th day of December 2022.

Dee Marshall, Mayor

ATTEST:

Shayla L. Mohr, City Clerk

Proposed Changes to City of Abilene Employee Policies and Guidelines:

Strike through sections to be removed, yellow highlighted added or changed.

Section 4: Anti-discrimination, anti-harassment, and anti-retaliation policy: first paragraph-changes in yellow:

The City employees have the right to work in an environment free from all forms of harassment, discrimination, or retaliation based on race, color, religion, gender, national origin or ancestry, ethnicity, age, genetic information, disability, veteran status, sexual preference, gender identity, familial status or any other characteristics protected by federal, state, or local law (the “Protected Characteristics”).

Section 5: Drug and Alcohol Policy

This policy was rewritten based off recommendations from City Attorney Martin. The old policy that was in place needed to be rewritten because it was written when the City operated the general public transportation van.

Section 7: General Rules of Safety

7.1 Workplace Safety - Add last bullet point of –

Follow Blood Borne Pathogen Clean-Up Policy when dealing with blood or other bodily fluids.

Section 8: General Employment Policies

Remove following paragraph because covered in section 14

~~Doctor's Certificate. An employee who misses three or more consecutive days due to illness is required to provide a written notification from his or her physician before he or she will be allowed to return to work. This notification must be provided to the Human Resources Director to ensure that the employee's health is adequate to perform work duties.~~

Section 8.8 Security-Employee Identification

Full-time employees will be issued a two photo identification cards. These identification card(s) must always be visibly worn or carried on their person while working in or around a City facility/operation. A replacement charge of \$5 will be assessed for lost or stolen cards. In the event of an emergency or disaster, the photo identification cards will be required for access to the City and/or City facilities. Upon leaving employment or service with the City, identification cards will be turned in along with other City property.

Section 8.12 Smoking, Vaping or Electronic Cigarettes

Add vaping where needed

Because of increasing evidence that second-hand tobacco smoke and vapor from electronic cigarettes creates a danger to the health of persons who are present in a smoke or vapor-filled environment, the City regulates smoking, vaping, and electronic cigarettes by City employees while on duty.

Smoking, vaping, and electronic cigarettes are prohibited within any City facility and in City vehicles. Smoking, vaping, and electronic cigarettes are prohibited outside of a City facility within a ten (10) foot radius to any access point. This policy shall apply to all employees, vendors, customers, volunteers, members of the public and passengers in City vehicles.

Department Directors and supervisors shall enforce this policy daily. Violations of this policy will be considered a work rule violation, and employees will be subject to appropriate discipline.

Section 11.4 – Orientation and Training

Add sentence in yellow

Each employee will receive orientation training including, but not limited to, duties of the position, hours of work, relationship to other employees, safety precautions, emergency procedures and other relevant information about employment. When possible, orientation training will be provided on the first day of employment by their supervisor or department director. Some positions as designated by the City Manager, Human Resources Director, or Department Director may be required to sign a training/retention/reimbursement form.

Section 12: Employment Status, Classification and Records

Section 12.2 Employment Classification -make changes in yellow

- **FULL-TIME:** Employees who work on a regular, continuing basis for not less than eight hours a day, or forty hours in a standard workweek of seven days (not less than 2,080 hours per year). ~~except that~~ Firefighters shall be considered full-time if they work on a regular, continuing basis for not less than 144 hours in their modified workweek of nineteen days (not less than 2736 hours per year).
- **TRAINING/PROBATION PERIOD:** Full-time or part-time employees ~~who have not completed~~ must complete a three-month training/probation period. The employee's training period may be extended at the discretion of the City Manager. Firefighters and Police Officers must complete a minimum one-year training/probation period
- **NON-EXEMPT EMPLOYEES:** Employees who are eligible to receive overtime compensation at the rate of one and one-half times the employee's regular rate for all hours worked over forty hours in a workweek. ~~except Fire~~ department personnel shall be eligible for overtime compensation for all hours worked over 144 hours in a nineteen-day workweek. Police Officers shall be eligible for overtime compensation for all hours worked over 160 hours in a twenty-eight-day workweek.
- **EXEMPT EMPLOYEES:** Employees who are not eligible to receive overtime compensation for hours worked in excess of 40/144 hours in a 7-day/19-day ~~their standard~~ workweek. Categories of exempt employees include, but are not limited to: executive, administrative, and professional. All exempt employees shall be notified of their exempt status at the time of hire or at the time of a change in status of their exempt classification.

Section 13.5 Overtime

Overtime

Overtime shall be allowed when an emergency exists, or overtime is necessary to carry out essential services of the City. Employees may occasionally be required to work overtime to meet the demands of customers. Non-exempt employees are eligible for overtime pay for work beyond forty hours per workweek except: (1) fire department employees are eligible for overtime pay for work beyond 144 hours in a nineteen-day work period; and (2) police department employees are eligible for overtime pay for work beyond 160 hours in a 28-day work period. Exempt employees, as defined by the Fair Labor Standards Act, are not eligible to receive overtime pay.

Employees shall receive authorization by the employee's supervisor before it is performed. Supervisors shall limit overtime for periods when an emergency exists, or overtime work is necessary to carry out essential services of the City as assigned by the employee's immediate supervisor or Department Director. It is the employee's responsibility to accurately record and submit record of any overtime worked. Working overtime without prior authorization may subject an employee to discipline, up to and including termination.

In accordance with the Fair Labor Standards Act (FLSA), the City of Abilene will grant employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement, firefighting, emergency management, and other employees. Compensatory time will be accrued at time and one-half and will be limited to 60 total hours of accrual in a calendar year, based on the time and one-half accrual rate for hours worked in excess of 40 hours a week. Any compensatory time that is not used by the end of the calendar year will be paid out to the employee.

In the event any portion of the policy is interpreted to conflict with the Fair Labor Standards Act or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

The City Manager may periodically request an audit of overtime and compensatory time to ensure that it is being used according to the policy and any applicable guidance memoranda.

Section 13-15-Call-Out Pay

Police Officers; 160-Hour Work Period. Police officers working a 160-hour work period shall be paid to respond to a call-out as directed by his or her supervisor at the employee's regular rate but shall not receive a minimum guarantee of hours for time worked, or a minimum of two hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status. Police officers working a 160-hour work period shall receive overtime pay as required.

Firefighters; 144-Hour Work Period. ~~The City shall pay firefighters call-out premium pay at a rate of one and one-half (1.5) times the employee's regular hourly rate for call-out duty performed when the employee has exceeded 97.5 hours during a 19 day work period. Firefighters shall be paid an overtime rate of one and one-half (1.5) times the employee's regular rate for call-out duty performed when the firefighter exceeds 144 hours in the 19 day work period. Volunteer firefighters shall be compensated for responding to fire and rescue runs at the established rate for the time worked.~~

Firefighters; 144-Hour Work Period. Firefighters working a 144-hour work period shall be paid to respond to a call-out as directed by his or her supervisor for time worked, or a minimum of three hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status. Firefighters working a 144-hour work period shall receive overtime pay as required. Volunteer Firefighters shall be compensated for responding to fire and rescue runs at the established rate for the time worked.

13.17 Employee Recognition Program

Employees who have worked for the City for an extended period of time are eligible for employee longevity program awards, including an award for five years of service. Employees shall also be eligible to receive **be recognized by** the League of Kansas Municipalities Service Awards for 10, 15, 20, 25, 30, 35 and 40 years of service ~~or they may choose Abilene bucks in place of the League Award~~ and shall receive a gift certificate to a local business in the amount of \$10.00 for each year of service. Employees may also receive other types of recognition as approved by the City Manager and the City Commission.

Section 14: Employee Privileges, time off, and leaves of absence

Remove 14.1 and renumber all other sections

14.1 Training Period

~~All employees are subject to a three-month training period. The employee's introductory period may be extended at the discretion of the City Manager. Employees in the training period are not eligible for certain benefits as specified herein.~~

14.2 Vacation

Full-Time Employees. Full-time employees are entitled to paid vacation leave time according to the following schedule, provided no paid vacation leave time may be taken during the three-month training period **the first three months of employment.**

Years of Continuous Service	0-4	5-9	10-14	15-19	20+
Hours per year	80	100	120	140	160
Fire Department Full Time Regular Continuous Service	0-5	5-10	10-15	15-20	20+
Hours per year	74	92	111	129	148
	109.46	136.24	164.06	190.58	218.66

Remove following section:

Fire Department Personnel. ~~Effective February 14, 2008, full-time regular Fire Department personnel shall accrue vacation leave time on an annual basis according to the following schedule, provided no paid vacation leave time may be taken during the three-month training period:~~

~~Fire Department personnel may take vacation leave in no less than thirty-minute increments. Fire Department personnel who are regularly scheduled to be on duty for 24.25 hours shall deduct no more than 16.25 hours of vacation leave for each 24.25 hour shift.~~

~~Vacation leave which has accrued prior to February 14, 2008, but has not been used before February 14, 2008, will not be lost. These hours shall remain in the employee's vacation leave bank and no more than 16.25 hours of vacation leave shall be deducted for each 24.5 hour shift.~~

~~If you have any questions or concerns regarding this or any other change discussed on February 14, 2008, please contact the Fire Chief or Human Resource Director.~~

Training/Probation Period; Full-Time Employees. Employees during their initial training period shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit until they have completed their three-month training/probation period. Employees terminated prior to completing their training period shall not be paid for any accrued vacation leave. **Police Officers and Firefighters may use vacation after completion of 3 months out of their twelve-month training/probation period.**

Annual Usage/Carryover. Vacation leave may be taken any time after three months of employment, after it is earned, subject to supervisor approval. If an employee is prevented from

taking earned vacation during any year, the employee will be allowed to carry over up to 160 hours of vacation annually into the following year. Under no circumstances may an employee take pay for vacation time in lieu of time off. Any vacation leave in excess of 160 hours for all employees will be lost as of January 1st of each year.

All employees classified as non-exempt in accordance with FLSA may use vacation leave in units of not less than thirty minutes, subject to the approval of their supervisor. In case of conflict, vacation leave shall be granted based on seniority

All employees classified as exempt in accordance with FLSA may use vacation leave in units of not less than four hours.

Section 14.3 Sick Leave

All regular full-time employees shall be entitled to sick leave with pay for illness, injuries, accidents, doctor or dental appointments, or other physical incapacitation, regardless of whether it occurs on or off the job. An employee may use earned sick leave in the case of an illness within the immediate family. Immediate family is defined for sick leave benefits as an employee's spouse; children, biological, adopted or step; parents; brothers; sisters; siblings; grandparents; grandchildren or mother, father, sister, or brother in-law equivalent in-laws.

At any time, a Department Head may require a signed statement from a licensed healthcare practitioner verifying the employees ability to return to work and perform his or her duties.

~~Computing Sick Leave. Sick leave shall be accounted for in increments of thirty minutes.~~

Usage of Sick Leave

All employees classified as non-exempt in accordance with FLSA may use sick leave in units of not less than thirty minutes.

All employees classified as exempt in accordance with FLSA may use sick leave in units of not less than four hours.

Section 14.4 Shared Leave

3. The Human Resource Director reviews the request to determine whether the employee has:
 - a. Exhausted or will exhaust all forms of paid leave (sick, vacation, compensatory time and/or other forms of paid leave);
 - b. At least ~~six (6)~~ three (3) months of continuous service; and
 - c. A satisfactory attendance record.
 - d. The City Manager may authorize a shared leave request in a non-qualifying situation.

Section 14.5 Bereavement Leave

In the event of the death of an immediate family member, the City will pay an employee his or her regular rate of pay for up to three (3) consecutive working days. Whether the leave should be taken in consecutive days is at the Department Director's discretion based on the circumstances. ~~Leave will be granted at the discretion of the City and based on the circumstances.~~ Leave is normally to be taken within two weeks unless there are circumstances where the services are more than two weeks after the death. If an employee requests time in addition to that which is approved as bereavement leave, additional time may be granted by the employee's supervisor or manager, which may be charged against any accrued but unused vacation or sick leave, unless the employee elects to take leave without pay. For purposes of Bereavement Leave, an "immediate family member" is defined as the employee's spouse, ~~child or child-in-law, parent or parent-in-law, sibling or sibling-in-law, grandparents or grandparents-in-law~~ child, biological or step, parents, siblings, grandparents, grandchildren, any other close relatives or equivalent in-laws. ~~by marriage of his/her spouse.~~ Bereavement leave can be taken a maximum of two times per 12-month period.

14-6 Family and Medical Leave (FMLA)

Leave Available. Pursuant to the Family and Medical Leave Act, the City provides job protected leave to eligible employees for:

- The care of an employee's child after birth, adoption, or foster care.

*** To bond with a child (leave must be taken within one year of the child's birth or placement).**

- The care of an employee's parent, child, or spouse, who has a serious health condition.
- A serious health condition that makes the employee unable to perform his/her job.
- A "qualifying exigency" arising out of the active duty or call to active duty of an employee's parent, child, or spouse.
- The care of an employee's spouse, child, parent, or next of kin that suffers a serious injury or illness while on active duty in the Armed Forces ("Armed Forces **Military** Caregiver Leave").

Amount of Leave. Employees are entitled to up to twelve weeks of leave for the above within a twelve-month period, except that Armed Forces **Military** Caregiver Leave entitles an employee to up to twenty-six weeks of leave.

Spouses' Combined Leave. Spouses who are both employed by the City are entitled to a *joint total* of twelve weeks leave, rather than twelve weeks of leave each for the birth of a child, placement for adoption or foster care of a child, or the care of a sick parent. Spouses who are both employed by the City are entitled to a joint total of twenty-six weeks, rather than twenty-six weeks of leave each, to care for a covered servicemember with a serious injury or illness if each spouse is a parent, or next of kin of the servicemember, commonly referred to as "Military Caregiver Leave". This limitation also applies to a combination of military caregiver leave and leave for other qualifying reasons listed at the beginning of this section.

15-1 Training/Probation Period

All employees are subject to a 3-month training/probation period. The employee's training period may be extended at the discretion of the City management. Employees eligible to receive vacation leave under the provisions of this Handbook shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit until they have completed their three-month training/probation period. ~~Employees in their training period are not eligible for certain benefits.~~ Firefighters and Police Officers are subject to a one-year training/probation period.

15-15 Employee Assistance Program

The City, recognizing the importance of mental health, will provide free initial access to an Employee Assistance Program (EAP) provided by a City approved program. This includes short-term counseling, support after a crisis, training and development, unlimited management and HR consultation, performance/life coaching, work/life resources, awareness/inspiration campaigns, financial and legal consultation, website and mobile app, and online self-management. Contact information for the City's EAP program is found in the new employee packet or in the Human Resource Director's office.



EMPLOYEE POLICIES AND GUIDELINES

ADOPTED

March 9, 2020

Resolution 030920-1

AMENDMENTS

January 24, 2022

Resolution 012422-1

January 1, 2023

Resolution No. 121222-2

WELCOME TO THE CITY OF ABILENE

As an employee of the City of Abilene, you are joining other qualified employees with the mission to deliver excellent service to our customers – the citizens, businesses, and visitors of Abilene. It is our goal to attract and retain the best employees. We strive to provide competitive pay and benefits, and support to facilitate success of our organization and employees. We recognize that high employee morale and a positive work environment is essential to a culture of excellence and thus we invite every employee to do their part to make our organization and city better.

The City of Abilene strives to be a dynamic organization driven by clearly defined values, principles, and philosophies that officials and employees exemplify to both internal and external customers. In the pursuit of providing quality service to our citizens, our city organization is committed to the following core values. We will approach each task, each customer, and each day as an opportunity to serve our community, our team and our customer in a positive helpful way which upholds our values, principles, and philosophies.

Accountability – We are responsible for our own behavior and actions. The responsibility for providing service for both internal and external customers starts with each employee. Accountability means taking ownership individually for your own attitudes, behaviors and actions. It also means taking ownership of the organization as a team of employees, workgroups, and departments.

Customer Satisfaction – We believe that customers deserve service that is provided in a timely and thorough manner. We place a high value on following up and following through to completion with plans, projects, programs, and to inquiries and service requests from our citizens and fellow employees.

Communication – We value and expect the open and honest sharing of ideas, concerns, and problems at all levels of our organization. Quality customer service requires a free-flowing exchange of information and the clear and effective written and oral expression and presentation of ideas and factual information throughout the organization and with our customers.

Compassion – We believe that the concerns of our citizens and fellow employees are important. We believe it is important to listen carefully to others to fully understand their views before making decisions or conclusions, to appreciate and be sensitive to the feelings and needs of others, and to measure our own impacts on others. We will have respect and consideration for one another even if we dislike or disagree with each other.

Consistency – We strongly value fair and equal implementation of city services and policies to our customers of all ages, genders, cultural, and socioeconomic groups. We believe our policies and procedures should be implemented in a fair and equitable manner throughout our organization and community.

Creativity – We value new and improved ways to provide quality customer service. We applaud critical thinking and suggestions for improvement in programs and services from

all people who are involved with providing and supporting city services – elected and appointed officials, employees, public, and associates. We believe that the best ideas surface when our employees, boards and commissions, and our citizens are encouraged to generate new ideas and create new opportunities in a risk-free environment.

Empowerment – We believe employees should be provided sufficient freedom to creatively and effectively make decisions necessary to resolve issues and improve customer services. However, as City employees we must make these decisions within our legal authority and within City policies. We value motivation, initiative, and taking action to provide the highest quality of customer service, in a risk-free environment. We also value employees who empower the people in our community, businesses, neighborhoods, and other organizations to maximize their potential in an effort to improve our city.

Governmental Responsibility – We are proud of what we do for the public. As a government, our work is guided by elected officials. While politics play an important role in choosing our leaders and charting our priorities, politics will play no role in choosing how we treat people.

Honesty – We value people who are honorable in principles, intentions, and actions, and who are ethical and fair. We value truthfulness and credibility.

Learning Organization – The City strives to be a learning organization, meaning that we value constant improvement and adaptation of the organization to keep up with a rapidly changing world. Value is placed on continuous learning as a team such that the organization is able to anticipate change and transform itself to meet current and future demands.

Personal Growth – We value employees who strive to grow and learn continuously making the team and themselves more effective. Employees are encouraged to seek skill development and personal growth outside of work in addition to any available or required training within the job.

Professionalism – We value education, training, and personal attitudes that support the development, maintenance, and advancement of a competent customer-friendly oriented work force.

Respect – We value treating fellow employees and all members of the public with respect and courtesy.

Responsiveness – We value being responsive to our customers both internally and externally, meaning that we will strive to return phone calls, emails, and inquiries generally within two business days. This doesn't mean that answers have to be provided, but the customer knows they haven't been ignored.

Self-Initiative – We value employees who take action to resolve issues and customer service problems in a proactive manner. We believe that all our employees, with their individual work styles and perspectives, are important resources for identifying and providing solutions, and performing and improving customer service.

Teamwork – We are all part of the same team with the same goals and objectives. We shall accept and work towards those goals as part of the team even though we may not personally agree with every aspect. We shall accept and collaborate with other members of a team regardless of our personal feelings toward them.

Vision – We have a responsibility to positively affect the future for our citizens by what we do today. We value planning for our tomorrows to make a better community for those who follow us.

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SECTION 1: INTRODUCTION

The purpose of this Handbook is to provide employees with an overview of the City of Abilene's ("City") policies, goals, rules, and employment practices that apply to all employees. Please read it thoroughly and retain it for future reference. Please discuss any questions you have regarding the information within this Handbook with your Department Director or the Human Resources Director.

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

This Handbook only applies to the City's employees and supersedes and replaces any handbooks and memoranda that the City previously issued on subjects covered in this handbook. The plans, policies, and procedures described herein are those in effect as of the publication date as provided on the cover of the Handbook.

The City reserves the right, in its sole discretion, to alter, amend, delete, supplement, terminate, and/or change, at any time and without advance notice, any of its policies, including those covered in this Handbook, in whole or in part. No one other than the City Commission has the authority to implement or change policies. No supervisor, manager, agent, or employee of the City has authority to change or implement policies inconsistent with this Handbook. New or revised policies shall be effective on dates determined by the City and shall remain in effect until the City gives notice to the contrary.

The City shall notify employees of any revisions to this Handbook and its policies. Methods used to accomplish this notification may include, but are not limited to, the following: paycheck inserts, employee newsletters, memoranda, postings on City bulletin boards, announcements at employee meetings, or e-mail distribution. The City will maintain an up-to-date version of this Handbook on its website at all times. Employees may keep a copy of the Handbook for reference but should be responsible for maintaining a current version with revisions; employees should not rely upon amended, superseded, or deleted policies.

Some of the subjects described in this Handbook are covered in detail in official policy documents. Employees should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits.

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SECTION 2: CHAIN OF COMMAND

As provided by Kansas Statutes, an individual member of the City Commission is forbidden from directing the conduct of any department of the City except at the expressed direction of the entire City Commission. Thus, it is only through the policy direction of the City Commission as a whole and through the City Manager that the administrative affairs of the City shall be conducted.

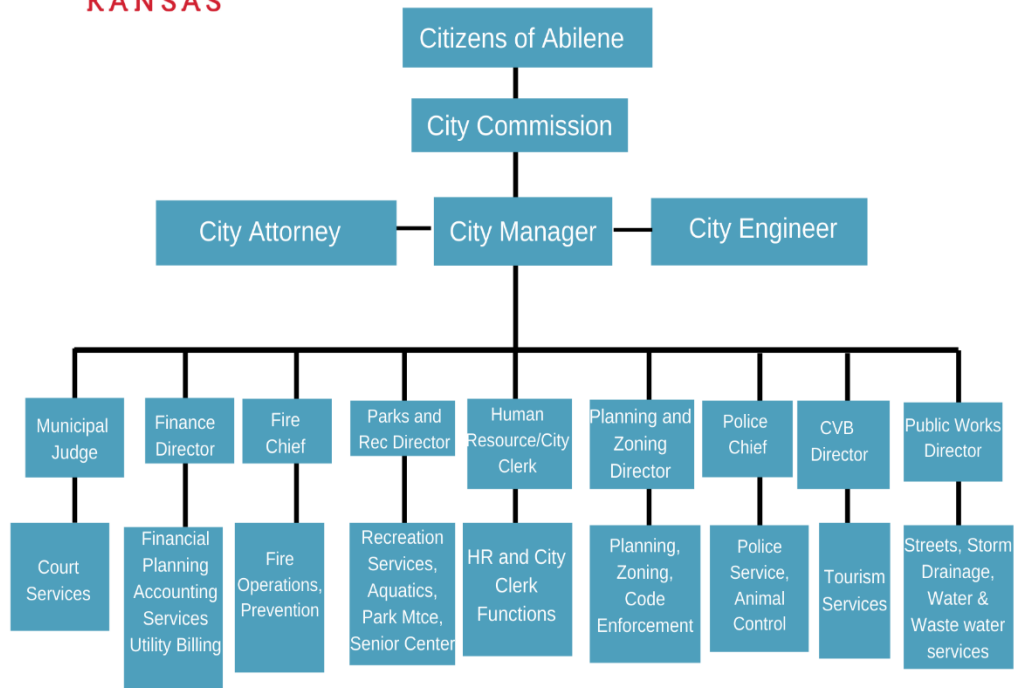
The chain of command is the organizational structure established for the operation and supervision of all departments. In order to avoid confusion, misunderstanding, and oversight, all communications, orders, requests and recommendations must be channeled through this chain. Managers at every level cannot carry out their responsibilities and perform effectively without an appreciation for and observation of these processes.

Employees have the right to contact and confer or correspond with members of the City Commission on any subject so long as it does not interfere with or undermine the assigned work of a department of the City.

The overall organization structure is illustrated by the City's organizational chart. Within each department are supervisory and non-supervisory employees.



City of Abilene Organizational Chart



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2.1. Code of Ethics

The following Code of Ethics shall apply to all elected and appointive officers and employees of the City. Violation of the Code of Ethics constitutes a Code violation which may be prosecuted before the municipal court and subject to disciplinary action as provided herein. (Ordinance 2991 08/03)

(a) Declaration of Policy. The proper operation of our government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels and that the public have confidence in the integrity of its government. In recognition of those goals, there is hereby established the Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code of Ethics is to establish ethical standards by setting forth those acts or actions that are incompatible with the best interests of the city.

(b) Responsibility of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the United States Constitution and the Constitution of the State of Kansas and to carry out impartially the laws of the nation, state and city and thus to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the long-term public interest must be their primary concern. The official as well as private conduct of all officers and employees, particularly elected and appointive officers, has consequences for the level of trust citizens have in the honesty and integrity of the city government. Consequently, conduct in both official capacities and private affairs must be above reproach.

(c) Dedicated Service. All officials and employees of the City should be responsive to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rule of work and performance established as the standard for their positions by the appropriate authority. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

(d) Interest in Appointments. Canvassing of members of the City Commission, directly or indirectly, in order to obtain preferential consideration

in connections with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the City Commission.

(e) Use of Public Property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such official or employee in the conduct of official City business.

(f) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(g) Conflict of Interest. No elected or appointive City official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties or which can reasonably be expected to have results adverse to financial or other interests of the City. Personal as distinguished from financial interest shall be defined using the following guidance:

1. Incompatible Employment. No elected or appointive official or employee of the City shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.
2. Disclosure of Confidential Information. No elected or appointive official or employee of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others.
3. Gifts and Favors. No elected or appointive official or employee of the City shall accept any valuable gift, whether in the form of service, loan, thing or promise from any person, firm or

corporation known to be interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence such official or employee in the discharge of any duties, or grant in the discharge of any duties any improper favor, service or thing of value. The prohibition against gifts or favor shall not apply to an occasional non-pecuniary gift of only nominal value, an award publicly presented in recognition of public service, or any gift which would have been offered or given if not an official or employee. Nominal value for the purposes of this policy shall be defined as a value equal to or less than ten dollars (\$10.00).

4. Representing Private Interest before City Agencies or Courts.

No elected or appointive official or employee of the City whose salary is paid, in whole or in part, by the City shall appear on behalf of private interests before any agency of this City. No such elected or appointive official or employee of the City shall represent private interests in any action or proceeding against the interest of the City in any litigation to which the City is a party.

SECTION 3:

EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES

3.1. Equal Employment Opportunity

The City believes that each employee deserves to be treated with respect and that all employment-related decisions should be made without discrimination based on race, color, religion, gender, age, national origin, marital status, citizenship, sexual preference, genetic information, status as a qualified individual with a disability, military status, or any other protected characteristic as established by law. In keeping with this Policy, the City recruits, employs, and promotes the most qualified individuals. This Policy of equal opportunity applies to all policies and procedures relating to recruitment, hiring, compensation, benefits, termination, and all other terms and conditions of employment.

The Human Resource Director has overall responsibility for this Policy and maintains reporting and monitoring procedures. Any questions or concerns should be directed to the Human Resource Director. Appropriate disciplinary action may be taken against any employee who violates this Policy.

3.2. Americans with Disabilities

The City is committed to the recruitment, employment, and promotion of the most qualified individuals. It is our policy to provide equal employment opportunity for persons with disabilities in full compliance with federal, state, and local laws, such as the Americans with Disabilities Act ("ADA"). We do not discriminate against qualified job applicants and employees with known physical or mental disabilities in any employment practice, including, but not limited to, recruitment, hiring, education, training, promotion, compensation, participation in social or recreational functions, use of the City facilities, transfer, discipline, layoff, recall, and termination. Requests for reasonable accommodations should be made to the Human Resource Director.

Pursuant to the ADA and other applicable law, the City will provide qualified individuals with known disabilities reasonable accommodations to assist them in performing the essential functions of their job. However, where an accommodation would produce an undue hardship on the City or present a health or safety risk, the requested accommodation may be determined unreasonable and denied. The City Manager will review all requests for accommodation and make a determination regarding the reasonableness of a request under this policy.

Any questions regarding this policy or requests for an accommodation should be made to the Human Resources Director.

3.3. Immigration Law Compliance

U.S. law requires companies to employ only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. This diverse workforce contributes greatly to the vibrancy and strength of our economy, but that same strength also attracts unauthorized employment.

E-Verify is an Internet-based system provided by U.S. Citizenship and Immigration Services that allows businesses and government agencies to determine the eligibility of their employees to work in the United States. The City will require the use of E-Verify for verification of the work status for all individuals seeking employment with the City.

The City is committed to employing only individuals who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of continued employment, must complete the Employment Eligibility Verification Form I-9 and, within three days of the date on which the employee commences work, present documentation establishing identity and employment eligibility. Former employees who are re-hired must also complete the Form I-9 if they have not completed one with the City within the past three years, if their previous Form I-9 has not been retained, or if their previous Form I-9 is no longer valid. The City will use information provided on the Form I-9 to complete citizenship verification on E-Verify.

Employment with the City is contingent upon presentation of documentation which establishes that the employee is currently eligible for employment in the United States.

3.4. Open Door Policy

The City believes that open communication is essential to a productive work environment. The City realizes that problems, concerns, or complaints may arise which, if left unresolved, will negatively impact the work environment. In order to facilitate the prompt resolution of work-related problems, the City has established an “Open Door Policy.” The City encourages each employee to address his or her concerns with his or her immediate supervisor or Department Director. However, all employees are free to discuss work-related problems or concerns directly with the Human Resource Director or City Manager. Any suggestion or concern that is raised will be given full consideration; the most important aspect of the Open-Door Policy is that each concern is addressed.

For complaints of discrimination, harassment, or retaliation, employees should notify the proper individual pursuant to the Section of this Handbook entitled *Complaints of Discrimination, Harassment and Retaliation*.

SECTION 4:

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION POLICY

The City employees have the right to work in an environment free from all forms of harassment, discrimination, or retaliation based on race, color, religion, gender, national origin or ancestry, ethnicity, age, genetic information, disability, veteran status, sexual preference, gender identity, familial status or any other characteristic protected by federal, state, or local law (the “Protected Characteristics”).

4.1. Policy

It is the policy of the City to maintain a work environment free of intimidation, insult, discrimination, harassment, or retaliation based upon the Protected Characteristics. Discrimination, harassment, or retaliation of any kind will not be tolerated. Employees have the obligation to report all incidents of such conduct, and those reports will be promptly and thoroughly investigated. The City also does not tolerate retaliation against those who report discrimination or harassment in good faith or those who cooperate with discrimination or harassment investigations. Any employee who has engaged in discriminatory, harassing, or retaliatory conduct will be subject to immediate discipline, up to and including termination.

4.2. Harassment

Harassment Defined. Harassment is verbal, written, or physical conduct that displays hostility or hatred toward or degrades others based on the Protected Characteristics and (1) creates an intimidating, hostile, or offensive working environment; (2) unreasonably interferes with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

Examples of Harassment. Generally, harassment includes, but is not limited to, the following acts or conduct when those acts or conduct relate to the protected characteristics:

- epithets;
- slurs;
- stereotyping;
- threats; or
- written or graphic materials that display hostility or hatred toward or degrades an individual or group when such material is distributed; circulated; or placed on walls, bulletin boards, or elsewhere on City property.

4.3. **Sexual Harassment**

Sexual Harassment Defined. There are two types of sexual harassment, defined as follows:

- Quid pro quo sexual harassment is the threat or insinuation by one employee or group of employees, either explicitly or implied, that refusal to submit to sexual advances will adversely affect the employees' employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
- Hostile work environment harassment is the creation of an intimidating, hostile, or offensive working environment by one employee or group of employees engaging in unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Examples of Sexual Harassment. No employee, whether supervisory or non-supervisory, may sexually harass another employee. Sexual harassment as defined includes, but is not limited, to:

- unwelcome or unnecessary sexual touching, propositions, or advances;
- unwelcome sexual flirtations;
- abusive or vulgar language of a sexual nature;
- graphic or vulgar commentaries about an employee's body or clothing;
- use of sexually degrading words to describe a person;
- displays in the workplace or on City premises of sexually suggestive or graphic materials, including objects, pictures, photographs, cartoons, etc.;
- physical assault or battery;
- verbal harassment or abuse;
- accusations of sexual preference;
- demands for sexual favors, including demands accompanied by express or implied promises or threats concerning an individual's employment status or term or benefit of employment;
- sexual slurs or innuendoes;
- suggestive or insulting sounds;
- touching, leering, whistling, or making obscene gestures; or

- any other conduct that unreasonably interferes with an employee's performance of his or her job; creates an intimidating, hostile, or offensive working environment; or otherwise adversely affects an individual's employment opportunities.

4.4. Retaliation

Retaliation Defined. Applicable law also prohibits retaliation against any employee by another employee or by the City for reporting, filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a federal or state enforcement agency.

Examples of Retaliation. Retaliation includes, but is not limited to, any adverse employment action that would dissuade a reasonable employee from reporting, filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a federal or state enforcement agency, which may include the following actions:

- termination;
- demotion;
- denial of promotion;
- reassignment of duties;
- unjustified negative evaluations;

4.5. Complaints of Discrimination, Harassment, and Retaliation

Any employee who feels he or she is being subjected to discrimination, harassment, or retaliation should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to one's:

- Department Director;
- Human Resource Director; or
- City Manager.

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

Employees should be prepared to provide the following information when making a complaint:

- employee's name, department, and position title;
- the name of the person(s) committing the discrimination, harassment, or retaliation;
- the date(s) and approximate times(s) of the discrimination, harassment, or retaliation;
- the specific nature and duration of the discrimination, harassment, or retaliation;
- any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against him or her as a result of the harassment;
- the name of any witness to the discrimination, harassment, or retaliation; and
- whether he or she has previously reported such discrimination, harassment, or retaliation, and if so, when and to whom.

Regardless of whether the initial complaint was oral or written, the person whom the complaint is submitted to will assist the employee in documenting and filing the complaint in writing. The employee must attest to the accuracy and truthfulness of the written complaint and sign it. All information disclosed in the complaint procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

4.6. Discrimination, Harassment, or Retaliation Investigations.

Anyone who receives a complaint of discrimination, harassment, or retaliation shall immediately report the complaint directly to the Human Resources Director. In the event the Human Resources Director is alleged, the City Manager shall be contacted instead. The City shall promptly and confidentially investigate all harassment complaints in accordance with established and specific procedures.

When asked, all employees shall cooperate fully and completely with such investigations. Refusal to cooperate, or interfering with an investigation in any way, shall subject employees to immediate disciplinary action, up to and including termination. If the City determines, after reviewing the investigation report, that the complaint was intentionally falsified by the employee filing the complaint, it may take immediate and appropriate disciplinary action against the employee, to be determined on a case-by-case basis, up to and including termination.

The City may, in its discretion, secure a neutral third-party to investigate into any complaint of harassment. If third-party investigators are used, disclosure of any investigation report and its contents will be restricted to the City; any federal or state officer, agency, or department, or any officer, agency, or department of a unit of general

local government; or any self-regulatory organization with regulatory authority over the activities of the employer or employee; as otherwise required by law.

4.7. Records of Discrimination, Harassment, or Retaliation Complaints.

All records concerning a complaint shall be kept confidential to the extent possible and maintained in a separate, locked file. Access shall be granted only to parties who have a direct and relevant need-to-know and only with approval from the Human Resources Director or City Manager. A summary of the findings of an investigation may be provided to the complainant upon request.

DRAFT

SECTION 5:

DRUG AND ALCOHOL POLICY

The City is committed to providing a work environment that is safe, healthy, and productive. The illegal use of drugs and the improper use of alcohol can impair an employee's performance and pose a threat to the health and safety of other employees and the general public. Therefore, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace or while conducting City business. In addition, except as specifically authorized herein, the possession, use, consumption or impairment by alcohol is prohibited in the workplace or while conducting City business. This policy applies to all City employees and applicants for employment for all employment positions with the City of Abilene.

5.1. Voluntary Admission

Employees with a drug or alcohol use or dependency problem are encouraged to voluntarily seek assistance through the City's Employee Assistance Program (EAP) or other available resources. Employees will not be subject to corrective action solely for voluntarily acknowledging a drug/alcohol problem. Such an acknowledgement will not excuse violations of City policy which have previously occurred and appropriate corrective action will be administered up to and including termination.

5.2. Drug Free Workplace Act of 1988

All employees will receive a copy of this policy. The Human Resources Director will provide resources on any available drug counseling, rehabilitation, and employee assistance programs. Employees are responsible to notify the employee's supervisor or Human Resources Director, in writing, within five calendar days, if the employee is convicted of a violation of a criminal drug statute which occurs in the workplace. For the purposes of this policy, a conviction includes a plea of nolo contendere, a plea in abatement, diversion agreement, and any other agreement wherein the employee admits to the elements of the crime in agreement that the charges will be dismissed should the employee meet conditions established by the prosecuting attorney. Upon receiving notice that an employee has been so convicted or placed on diversion, the City of Abilene will take one of the following actions:

- A. Take appropriate disciplinary action up to and including termination, and/or
- B. Require such employee to participate satisfactorily in a drug/alcohol abuse assistance or rehabilitation program approved by the City of Abilene.

5.3. **Testing**

A. **Types of Tests.** All applicants for employment with and employees of the City of Abilene will be subject to drug and/or alcohol testing as follows:

1. **Pre-Employment.** All prospective employees will be drug tested as part of the pre-employment physical examination.
2. **Post-Accident.** Employees are subject to drug and/or alcohol testing when they cause or contribute to an accident that seriously damages a City of Abilene vehicle, or piece of machinery or equipment, or other City property, or results in death, or an injury to an employee or other person that requires off-site medical attention. The determination of whether the employee caused or contributed to the accident and, if so, whether the damage was serious shall be made as soon as practicable by the employee's immediate supervisor or other available supervisor, with approval by the appropriate Department Director. If ordered hereunder, any drug/alcohol test shall be coordinated through the Human Resources Director and administered as soon as practicable, and for alcohol, no later than four hours following the accident, and for drugs, no later than 24 hours following the accident.
3. **Reasonable Suspicion.** Any employee whose conduct, behavior or performance leads to a reasonable suspicion by a supervisor that the employee may be under the influence of alcohol and/or drugs will be tested. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs and/or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - A. A pattern of abnormal or erratic behavior;
 - B. Information provided by a reliable and credible source;
 - C. Direct observation of drug or alcohol use; and/or
 - D. Presence of the physical symptoms of drug or alcohol use (e.g. glassy or bloodshot eyes, alcohol odor on breath, odor of drugs on the employee's body or clothes, slurred speech, poor coordination and/or reflexes, etc.)

Whether a drug or alcohol test is warranted shall be determined by the employee's immediate supervisor or other available supervisor, with approval by the appropriate Department Director, and shall be coordinated through the Human Resources Director.

4. Post-Treatment or Rehabilitation. Any employee who has been sent by the City to and/or completed a substance abuse treatment or rehabilitation program will be subject to random testing for a period of up to one year following the successful completion of the program and return to work. The testing dates will be arranged by the Human Resources Director in consultation with the employee's department.
- B. Costs of Tests. The City shall pay the laboratory cost of all drug and alcohol tests required or provided for in this policy. In addition, the City shall compensate all employees for the time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the reasonable suspicion, post-accident, or post treatment or rehabilitation testing required by this policy.

5.4. **What We Test For**

The tests required under this policy are administered to detect the presence of:

- a. Alcohol
- b. THC-Marijuana
- c. Cocaine
- d. Amphetamines
- e. Opiates
- f. Phencyclidine (PCP)

5.5. **Collection Procedures**

- A. Consent. Before administering a drug or alcohol test, applicants and employees will be asked to sign a consent form authorizing the test and permitting release of test results to the City (all minors must have a consent form signed by a parent or guardian).
- B. Alcohol Testing. Alcohol testing will be conducted by breathalyzer. All samples will be taken at and tested in facilities approved by the City. The test results will be provided to the Human Resources Director.
- C. Drug Testing. When drug testing is required under this policy, a urine sample will be collected at a collection site, medical facility, or laboratory designated and

approved by the City. Personnel at the collection site will use appropriate procedures to positively identify the applicant or employee selected for testing, ensure the integrity and identity of the specimen collected, initiate the appropriate chain of custody documents, and transmit the specimen to a laboratory for analysis. The initial drug screening shall be conducted using Point of Care Testing (POCT) which uses immunoassay technology. All confirmed positive test results are sent to an approved Medical Review Officer (MRO) for further examination, interpretation and explanation.

IF the MRO determines that there is a legitimate medical explanation for the positive test result and that result is consistent with the lawful use of a drug, then the test result shall be reported to the Human Resources Director as negative. If it is determined that the test result is not consistent with lawful use of a drug, then the test result shall be reported to the Human Resources Director as positive. Employees who have a positive drug test result may, at their own expense, have the same sample tested at a NIDA certified laboratory of their choice.

5.6. Prohibited Conduct

A. Applicants for Employment. Persons applying for employment with the City of Abilene violate this policy if they:

1. Refuse to consent to or submit to timely testing after a conditional offer of employment is made;
2. Test positive for illegal drugs;
3. Test results are “dilute” and an applicant does not appear for retesting within 24 hours or cannot provide a concentrated sample at retest; or
4. Tamper or in any way interfere with the testing process.

B. Employees. City Employees may violate this policy if they:

1. Report to work under the influence of alcohol or with drugs illegally present in their bodies in any detectable amount; or if they illegally manufacture, distribute, dispense, possess or use alcohol or drugs in the workplace. City employees who are subject to call back must adhere to department policies addressing drug and alcohol use during times when they may be called in to work.

2. Use a prescription medicine contrary to instructions or which is not presently prescribed to the employee.
3. Refuse to consent or submit to a drug or alcohol test as directed by the Human Resources Director or a supervisor pursuant to this policy.
4. Test results are “dilute” and applicant does not appear for retesting within 24 hours or cannot provide a concentrated sample at retest.
5. Tamper or in any way interfere with the testing process.
6. Fail to notify the City, in writing, within five days of a conviction of a criminal drug violation in the workplace.
7. Refuse to obtain, or fail to successfully complete, required counseling and rehabilitation after a positive test hereunder.

5.7 Employee Obligations

Compliance with this policy requires that City employees:

- A. Notify a supervisor when aware of evidence or reasonable suspicion of drug and/or alcohol use by another employee.
- B. Cooperate in any investigation related to conduct prohibited by this policy.
- C. Notify the employee’s supervisor or Human Resource Director immediately of the use of any medication that has impaired the employee’s ability to perform.
- D. Notify a supervisor immediately upon arrest for an alcohol or drug violation.
- E. Notify the employee’s supervisor or Human Resource Director, in writing, within five calendar days, if the employee is convicted of violating a criminal drug statute which occurs in the workplace.

5.8 Consequences for Violations

- A. Applicants for Employment. An applicant for employment who violates this policy will have any contingent offer of employment withdrawn and cease to be eligible for employment with the City of Abilene for a minimum of one year.
- B. Employees. Employees who violate this policy will be subject to corrective action up to and including termination. Employees in violation may be referred to a Substance Abuse Professional (SAP) for an assessment and may be required to

obtain appropriate counseling and rehabilitation through the City's Employee Assistance Program (EAP) or other program sanctioned by the City. Employees who successfully complete an approved rehabilitation program may be reinstated to the employee's employment position subject to any conditions or restrictions the City deems appropriate. The City may hold an employee's position open for a period of time determined by the Human Resources Director and Department Director based on the needs of the City and applicable policies. The decision to reinstate shall be based on the employee's work history, length of employment, current job performance, the public health and safety responsibilities of the employee's position, and other factors deemed relevant by the City.

Any time off from work taken to obtain counseling and rehabilitation will be charged to sick leave, if applicable and vacation leave. If the employee is eligible for FMLA leave, such time may also qualify for, and will be designated and counted, as FMLA leave. If the employee's applicable paid leave balances are not sufficient, the time will be leave without pay. If disciplinary action of suspension (without pay) is implemented, the time off will be considered part of that suspension.

5.9 Over-the-Counter or Prescription Medication

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on performance of the employee's duties and must promptly report to the employee's supervisor or Human Resources Director any impairment caused by the use of any medication. The supervisor, upon learning of such impairment, will immediately contact the Human Resources Director to discuss the situation.

5.10 Confidentiality of Test Results

Except as otherwise required by law, all information from an applicant's or employee's drug or alcohol test shall be held as confidential, and only the employee and those persons with the City of Abilene who need to know for corrective action or personnel reasons will be informed of the test results. All information related to the drug or alcohol test of an employee will be maintained in the employee's confidential medical file in Human Resources. Anyone disclosing drug test results, in violation of this policy, will be subject to corrective action. Disclosures without employee consent may also occur when:

- A. The information is compelled by law or by judicial order or administrative process.
- B. The information has been placed at issue in a formal dispute between the employer and employee.

- C. The information is to be used in administering an employee benefit plan (group statistics only).
- D. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

5.11 Drug and Alcohol Policy for Commercial Driver's License (CDL) Holders

The purpose of this policy is to establish a drug and alcohol program for the City of Abilene employees who operate commercial motor vehicles. The program shall include applicable provisions on the alcohol and drug testing adopted by the Federal Motor Carrier Safety Administration (FMCSA) for persons who operate a commercial motor vehicle requiring a commercial driver's license.

5.12 Applicability

This policy applies to all applicants for and employees currently occupying a City employment position which requires the person to operate a commercial motor vehicle and hold a commercial driver's license as a condition of employment. In addition to this policy, the City's general Drug and Alcohol Policy also applies to CDL employees.

5.13 Definitions

For the purposes of this policy, the following terms shall have the following meanings:

- A. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or low molecular weight alcohol, including methyl and isopropyl alcohol.
- B. Alcohol Concentration (or Content): The alcohol in volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- C. Alcohol Use: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- D. Commercial Motor Vehicle: A motor vehicle which is designed or used to transport passengers or property and which:
 - 1. Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - 2. Has a gross vehicle weight rating of 26,001 or more pounds; or

3. Is designed to transport 16 or more passengers, including the driver;
or
 4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R., part 172, subpart F).
- E. Confirmation Test: i) (for alcohol testing) a second test, following a screening test with a result of 0.02% or greater, that provides a quantitative data of Alcohol Concentration; ii) (for drug testing) a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test. Gas Chromatography/mass spectrometry (GS/MS) is the only authorized confirmation method for drug testing.
- F. Drug: Includes all substances listed on Schedules I through V, 21 U.S.C. 812, as they may be revised from time to time. For purposes of testing the term drug means marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines.
- G. Employee: A person employed in a City of Abilene employment position requiring that person to operate a commercial motor vehicle and hold a commercial driver's license as a condition of employment.
- H. Employee Assistance Program (EAP): A counseling program that offers assessment, short-term counseling and referral services to employees for a wide range of drug, alcohol, and mental health problems and monitors the progress of employees while in treatment.
- I. Medical Review Officer (MRO): The individual who is responsible for receiving laboratory results generated from the City of Abilene's drug testing program under this policy and who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.
- J. Safety-Sensitive Function: Any of the following on-duty functions, which involve operation of a commercial motor vehicle:
1. All time waiting to be dispatched, unless the employee has been relieved from duty by the City;
 2. All time inspecting, servicing, or conditioning any commercial motor vehicle;

3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time spent, in or upon any commercial motor vehicle;
5. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the employee requirements associated with an accident, including the following:
 - a. Stopping immediately
 - b. Taking all necessary precaution to prevent further accidents at the scene;
 - c. Rendering all reasonable assistance to injured persons;
 - d. Giving any person demanding the same employee's name and address, the name and address of the City, the state tag and registration number of the vehicle involved, and if requested, exhibiting the employee's operator's license;
 - e. Locating and notifying the custodian of an unattended vehicle that is stricken in the accident; and/or
 - f. Reporting all details of the accident to the employee's supervisor as soon as practicable after its occurrence; and/or
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

- K. Performing (a safety-sensitive function): Any period during which the employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- L. Screening Test (Initial test): i)(for alcohol testing) an analytical procedure to determine whether or not the applicant or employee may have a prohibited

concentration of alcohol in his or her system; ii) (for drug testing) an immunoassay test to eliminate “negative” urine specimens for further consideration.

- M. Substance Abuse Professional (SAP): a licensed physician, registered nurse, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug disorders.

5.14 Prohibitions

A. Alcohol

1. Alcohol Concentration: No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04% or greater. If the City has actual knowledge that an employee has an alcohol concentration of 0.04% or greater, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
2. Alcohol Possession: No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol. If the City has actual knowledge that an employee possesses alcohol, it shall not permit the employee to drive or continue to drive a commercial motor vehicle.
3. On-Duty Use: No employee shall use alcohol while on duty including any break wherein the employee is reasonably expected to return back to work, such as meal breaks. If the City has actual knowledge that an employee is using alcohol while on duty, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
4. Pre-Duty Use: No employee shall perform safety-sensitive functions within four hours after using alcohol. If the City has actual knowledge that an employee has used alcohol within four hours, it shall not permit an employee to perform or continue to perform safety-sensitive functions.
5. Use Following an Accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

B. Drugs

1. On-Duty Use: No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any illegal drug, or when the employee feels impairment from any prescription or over-the-counter medication.
2. Violation: If the City has actual knowledge that an employee has used a drug in violation of this policy, it shall not permit the employee to perform or continue to perform a safety-sensitive function.
3. Testing Positive: No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for drugs. If the City has actual knowledge that an employee has tested positive for drugs, it shall not permit the employee to perform or continue to perform safety-sensitive functions.
4. Drug Possession: No employee shall possess drugs while the employee is on duty, except for those drugs which have been prescribed for the employee by a licensed medical practitioner.
5. Selling/Providing Drugs: No employee directly or through a third party shall sell or provide drugs to any person, including any other employee, while either/both employees are on duty.

C. Refusal to Submit

1. No employee shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, a return to duty alcohol or drug test, or a follow-up alcohol or drug test.
2. The City shall not permit an employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.
3. Any employee who refuses to submit to any test identified in this policy shall be immediately terminated.

5.15 Testing Procedures

A. Alcohol

1. All alcohol testing shall be conducted by a breath alcohol technician (BAT) and shall be done on an evidential breath testing device (EBT).
2. When required to take the test, the employees shall present themselves at a location designated by the City.
3. The BAT will conduct a screening test, and if the result of the screening test is an alcohol concentration of 0.02% or greater, then a confirmatory test shall be conducted.

B. Drugs

1. A test shall be conducted for the following drugs: Marijuana, cocaine, opiates, amphetamines, and phencyclidines (PCP). All drug testing shall be done by urinalysis. City procedures may also require a saliva/oral fluid test. A drug testing custody and control form shall be used as a permanent record and contains the identifying data on the employee, specimen collection, and transfer process.
2. Employees who are required to take the drug test shall present themselves at a collection site designated by the City for the purpose of providing a specimen of the employee's urine, which shall be subject to the split sample method of collection.
3. The urine specimen shall be tested by a drug testing laboratory certified under Department of Health and Human Services (DHHS) guidelines. If the initial screening test is positive, then a confirmatory test shall be conducted.
4. An employee whose urine sample has been verified as testing positive for a drug has the option of having the split sample tested at another laboratory within 72 hours of being notified by the MRO. However, action required by this policy as a result of a positive drug test (e.g., requiring removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen. If the second specimen portion produces a negative result or for any reason the second portion is not available, then this test is considered negative, and no further action will be taken against the employee.
5. The City of Abilene shall contract for the service of an MRO who shall be a licensed physician with knowledge of substance abuse disorders.

- a. The MRO shall review and interpret confirmed positive test results for any drugs identified.
 - b. The MRO shall interview employees who tested positive to verify the laboratory report and review available medical records when a confirmed positive test could have resulted from a legally prescribed medication.
 - c. The MRO shall report his or her findings and recommendation to the Human Resources Director.
- C. Notification: Before conducting an alcohol or drug test the City shall notify the employee that the test is required by this policy.

5.16 Types of Testing

A. Pre-Employment Testing:

1. The City shall notify an applicant for employment that the applicant is required to submit to a drug test.
2. An applicant shall submit to a drug test in a timely manner after a conditional offer of employment is made.
3. Any offer of employment made to an applicant shall be conditioned upon the applicant passing the drug test.
4. If urine test results are determined to be “dilute”, the applicant must appear for retesting within 24 hours to continue to be considered for employment.
5. If the City receives a drug test result from the MRO indicating a confirmed positive test result, or the applicant refuses to take the test or comply with any applicable procedures of this policy, or is not responsive to requests for information from the MRO, the City shall withdraw the offer of employment. The applicant shall not be hired and will cease to be eligible for employment with the City of Abilene for a period of a least one year and until approved by the Human Resources Director.

B. Post-Accident Testing:

1. When Testing Required: As soon as practicable following an accident involving a commercial motor vehicle, the City shall require a test for alcohol and drugs (using Federal Department of Transportation (DOT) version for post-accident drug and alcohol testing) of each surviving employee who was performing safety-sensitive functions with respect to the vehicle if:

- a. The accident involved the loss of human life; or
- b. The employee receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involves a bodily injury to a person which injury is treated away from the scene; or
- c. The employee receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involves a vehicle which is required to be towed from the scene because of disabling damage to the vehicle.
- d. Employees who do not qualify for post-accident testing based on DOT standards will be evaluated under the City's non-DOT post-accident policy to determine if a test needs to be performed.

2. Tests

- a. Alcohol. If an alcohol test required by this section is not administered within two hours following the accident, then the City shall prepare and maintain a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.
- b. Drugs. If a drug test required by this section is not administered within 32 hours following the accident, then the City shall cease attempts to administer a drug test and prepare and maintain a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

- c. An employee who is subject to post-accident testing shall report all details of the accident to the employee's supervisor as soon as practicable and shall remain readily available for such testing; otherwise, the employee shall be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
 - d. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state or local requirements and that the results of the tests are obtained by the City.
- C. Random Testing. The City shall administer a number of alcohol tests and a number of random drug tests of its employees. The testing agency will provide the Human Resources Director the names of employees randomly selected for testing. The tests shall be unannounced, and the testing date shall be spread reasonably throughout the year. Under this method of testing, each employee has an equal chance of being tested each time selections are made. The number of random alcohol tests conducted annually shall equal at least 10% of employees and the number of random drug tests conducted annually shall equal at least 25% of employees.
- D. Reasonable Suspicion Testing. The City requires that employees submit to an alcohol and/or drug test when it has reasonable suspicion to believe an employee has violated the prohibitions of this policy concerning use of alcohol and/or drugs. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of alcohol and/or drugs. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - 1. A pattern of abnormal or erratic behavior;
 - 2. Information provided by a reliable and credible source;
 - 3. Direct observation of drug or alcohol use; and/or

4. Presence of the physical symptoms of drug or alcohol use (e.g. glassy or bloodshot eyes, alcohol odor on breath, odor of drugs on the employee's body or clothes, slurred speech, poor coordination and/or reflexes, etc.)

Whether a drug or alcohol test is warranted shall be determined by the employee's immediate supervisor or other available supervisor, with approval by the appropriate Department Director, and shall be coordinated through the Human Resources Director.

Employees involved in post-accident or reasonable suspicion testing will be placed on paid administrative leave until test results are available. Employees will be taken home by the employer or a ride (family or friend) will be found for the employee.

E. Return-to-Duty Testing

1. Alcohol

- a. After engaging in conduct concerning alcohol prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02%, provided the employee has not been terminated from the position.
- b. An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, is not subject to return-to-duty testing. However, the employee shall not continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, not less than 24 hours following administration of the test.

2. Drugs. After engaging in conduct concerning drugs prohibited by this policy and before an employee returns to duty in a position requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty drug test with a result indicating a verified negative result for drug use, provided the employee has not been terminated from the position.

- F. Follow-up Testing. Following a determination by an SAP that an employee is in need of assistance to resolve problems associated with alcohol misuse and/or use of drugs, the employee shall be subject to unannounced follow-up alcohol and/or drug testing, which shall consist of at least six tests in the first 12 months following the employee's return to duty, provided the City has not terminated the employee from the position. Follow-up testing may be conducted for a period up to 60 months from the date the employee returns to duty. Follow-up testing shall be arranged by the Human Resources Director. Follow-up alcohol testing shall be conducted just before the employee is to perform safety-sensitive functions, when the employee is performing safety-sensitive functions, or just after the employee has ceased to perform safety-sensitive functions.

5.17 Consequences

A. Performance of Safety-Sensitive Functions

1. An employee who is tested under the provisions of this policy and found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall be removed immediately from the performance of safety-sensitive functions. If the City determines that the employee may return to duty to perform safety-sensitive function, then the employee shall not perform any safety-sensitive functions until the latter of the employee's regularly scheduled duty period or 24 hours following the administration of the test.
2. An employee who is tested under the provisions of this policy and found to have a alcohol concentration of 0.04% or more or who tests positive for drugs (verified by an MRO) shall be immediately removed from performing safety-sensitive functions.
3. Employees who refuse to submit to a test required by this policy will be terminated immediately. If the City determines that the employee shall return to duty to perform safety-sensitive functions, then the employee shall not perform any safety-sensitive functions until after being evaluated by an SAP and undergoing return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate a breath alcohol level of less than 0.02%; if the conduct involved drugs, then the result must be a verified negative.

B. Corrective Action

1. Alcohol. Any employee found to have blood-alcohol concentration of 0.04% or more shall be subject to corrective action up to and including termination.

2. Drugs. Any employee who tests positive for the presence of illegal drugs shall be subject to corrective action up to and including termination.
3. Employees who violate this policy but have not been terminated and who have successfully completed a rehabilitation program will be required to submit to return-to-duty and follow-up alcohol/drug testing in accordance with the provisions of this policy. After rehabilitation, an employee who again tests positive for the presence of alcohol and/or drugs will be terminated from employment.
4. Employees who tamper with a sample or attempt to deceive the City during the testing process will be terminated.
5. Employees who refuse to sign the consent form and submit to an alcohol and/or drug test when requested to do so will be terminated.

C. Evaluation and Treatment

1. Each employee who has engaged in conduct prohibited by this policy will be advised by the City of the resources available to evaluate and resolve problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. An SAP shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.
2. Before an employee who has engaged in conduct prohibited by this policy returns to duty requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol or drug test. If the conduct involved alcohol, then the result must indicate an alcohol concentration of less than 0.02%; if the conduct involved drugs, then the result must be verified negative.
3. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be:
 - a. Evaluated by an SAP to determine that the employee has properly followed any rehabilitation program under this policy; and
 - b. Subject to unannounced follow-up alcohol and drug tests administered by the Human Resources Director. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the employee's return to duty.

4. The City may direct the employee to undergo both return-to-duty and follow-up testing for both alcohol and drugs, if the SAP determines that the return-to-duty and follow-up testing for both alcohol and drugs is necessary for the particular employee. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The SAP may determine the requirement for follow-up testing at any time after the first six tests have been administered.

5.18 Over-the-Counter and Prescription Medication

- A. Any employee alleged to have used drugs in violation of this policy shall be afforded the opportunity to prove to the MRO, through clear and convincing evidence, that the employee's use of a drug was as prescribed or directed by a licensed medical practitioner who is familiar with the employee's medical history and assigned employment duties. The MRO shall afford the tested employee the opportunity to discuss a positive, adulterated, substituted, or invalid sample result before reporting the test result to the City;
- B. Employees who take over-the-counter or prescribed medication are responsible for being aware any effect the medication may have on the performance of the employee's duties and must promptly report to the employee's supervisor or Human Resources Director any impairment caused by the use of any medication. The supervisor, upon learning of such impairment, will immediately contact the Human Resources Director to discuss the situation.

5.19 Employee Assistance Program

- A. The EAP provides counseling and rehabilitation services for all referrals, as well as education and training to employees and family members on the misuse of alcohol and drugs.
- B. Any employee found to be misusing alcohol or using drugs may be referred to the EAP as a condition of continued employment.
- C. The EAP is available to employees seeking assistance without regard to a finding of misuse of alcohol or use of drugs. Employees are strongly encouraged to obtain assistance if the employee believes they may have a drug or alcohol problem; however, once an employee is asked to submit to a test or is found in violation of FHWA regulations or this policy, the employee will not be able to avoid corrective action by voluntarily seeking assistance.

5.20 Release of Information

A. The City of Abilene shall not release to anyone the employee's information contained in the records required to be maintained under this policy without first obtaining written authorization from the employee; however, this prohibition shall not apply to:

1. A request for test results from, or required reporting of test results to, the Secretary of Transportation, Department of Transportation, Federal Motor Carrier Safety Administration, or any state or local officials with regulatory authority over the City of Abilene or its employees;
2. A request for administrative information from the National Transportation Safety Board;
3. A request in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee arising from test results of the employee or a City of Abilene determination that the employee engaged in conduct prohibited by this policy; and/or;
4. Information which is otherwise required by law to be released.

B. Upon written request by the employee, the City shall release to the employee copies of all records pertaining to the employee's use of alcohol or drugs, including any records pertaining to any alcohol or drug test.

SECTION 6: VIOLENCE-FREE AND WEAPONS IN WORKPLACE POLICY

The City strives to provide a safe and healthy work environment. In keeping with this objective, the City has adopted a Violence-Free and Weapon-Free Workplace Policy.

6.1. Workplace Violence Prohibited

Acts or threats of physical violence, including intimidation, harassment, coercion, or any other conduct involving threatening or violent behavior, that involve or affect the City or that occur on any City property will not be tolerated.

Acts, threats, or conduct involving violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for one or several employees.

The City prohibits threats and acts of violence against all persons involved in the City's operation or who are on City property, including, but not limited to, personnel, contractors, temporary workers, customers, vendors, and anyone else on City property. Violations of this policy by any individual on the City property will lead to disciplinary action, up to and including termination. In addition, the City will take appropriate legal action.

Each employee is required to immediately report incidents, threats, or acts of physical violence to his or her immediate supervisor, Department Director, or the Human Resource Director.

6.2. Weapons

As of July 1, 2016, Section 5 amends K.S.A. 2015 Supp. 75-7c10. Subsection (e) reads; No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance.

Employees have the right to conceal carry, however carrying of a concealed handgun is not within the course and scope of employment. Any injury while working on behalf of the City of Abilene, Kansas that is caused by the employee choosing to carry a concealed handgun will not be considered for workers' compensation. Any liability associated with the employee's decision to conceal carry will not be defended by the City and will be of a personal nature since carrying of a concealed handgun is not part of the employee's duties.

Employees are prohibited from leaving a handgun in plain view or unattended and must abide by all laws related to conceal carry, such as not entering any building, public or private that prohibits conceal carry.

Firearms shall not be stored in a city owned vehicle. The City will not be responsible for lost, damaged or stolen personal property of employees.

If an employee elects to conceal carry it will not interfere with the employee's ability to perform any duties and should not obstruct any required safety equipment.

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SECTION 7: GENERAL RULES OF SAFETY

Accidents can be prevented. Some accidents are caused by unsafe conditions (e.g., water on the floor, frayed cords, faulty equipment, etc.), but the majority of accidents are caused by unsafe conduct (e.g., roughhousing, not following procedures, improper lifting, etc.). All employees are responsible for obeying the rules and must be well-versed in safety and emergency procedures. Employees must do their part to maintain a safe work environment.

7.1. Workplace Safety

Listed below are a few simple but necessary rules to follow in order to prevent accidents and injuries:

- Report any observed safety hazards at once to a supervisor or manager.
- Immediately report all accidents or injuries to a supervisor or manager.
- Follow all instructions given by the supervisor or manager.
- Ask a supervisor or manager how to safely perform a job.
- Refrain from horseplay and practical jokes; they are strictly forbidden.
- Return all equipment to its proper location after use.
- Immediately report all equipment needing maintenance.
- Always wear designated safety equipment; proper clothing for all jobs is essential (no open-toed or soft shoes, no loose-fitting garments around machinery, etc.).
- Clean up any wet or greasy spots as they occur.
- Follow Blood Borne Pathogen Clean-Up Policy when dealing with blood or other bodily fluids.

Any careless or unsafe acts may subject the employee to disciplinary action, up to and including termination. In addition to complying with these specific safety rules, employees must always maintain a safety-conscious attitude.

7.2. Reporting Safety Issues

All accidents, injuries, damage to City property, potential safety hazards, safety suggestions, and health-and-safety-related issues must be reported immediately to a supervisor or Department Director. If an employee is injured, outside emergency response agencies should be contacted if needed. All accidents or injuries requiring medical treatment must be immediately reported to the Human Resource Director.

Regardless of whether medical treatment is received, a Report of Accident Form MUST be completed in case medical treatment is needed later and to ensure that any existing safety hazards are corrected. Accident forms are available from your supervisor or the Human Resource Director.

7.3. Emergency Procedures

It is extremely important that employees read and understand the emergency and fire procedures for their work areas. Employees should acquaint themselves with the location of and the instructions for operating fire extinguishers, as well as the procedures for severe weather. In the event of an emergency, employees should talk quietly, remain calm, and refrain from engaging in activity such as shouting or running. Department Directors shall be required to ensure that all new employees receive an overview of emergency procedures upon being commissioned; all other employees will receive an annual review.

7.4. In Case of Fire

In the event of a fire, remain calm and follow these procedures:

- activate the nearest fire alarm;
- do not place yourself in jeopardy;
- do as much as possible to extinguish a small fire with an extinguisher, but do not use the fire hose;
- do not use water on electrical or grease fires;
- never enter a smoke-filled room or open a door that is hot to touch; and
- keep yourself between the fire and the nearest exit.

7.5. First Aid

First aid kits are located throughout the City's facilities, and many employees are trained in first aid procedures. Check with your supervisor for the location of the first aid kit for your work area and the names of the employees trained to administer first aid.

SECTION 8:

GENERAL EMPLOYMENT POLICIES

8.1. Absenteeism and Punctuality

Punctuality and attendance are a requirement of all positions at the City. The City will try to accommodate an employee whenever illness occurs, or personal emergencies cause absences or lateness. Tardiness, early departure, and unexcused or excessive absences are disruptive and create hardship for other employees.

Standard Business Hours. Standard business hours of the City shall be between the hours of **8:00 a.m. to 5:00 p.m., Central Standard Time, Monday through Friday**. Certain positions may require that the employee work during different hours to perform their designated job assignment, at the direction and approval of their Department Director. All employees are expected to work the schedule approved by their Department Director, be it based on clock hours or based on overall hours worked on a weekly basis. Employees needing to adjust their work schedule must first obtain approval from their Department Director.

Notification Required. In the event an employee is going to be late or absent, it is his or her responsibility to contact his or her immediate supervisor or Department Director as far in advance as possible, but not later than one hour after the employee's shift was to begin. The employee must specify the time he or she expects to arrive for work. Leaving a message with a coworker is not considered proper procedure and is the same as not calling in at all. This procedure must be followed for each day of tardiness or absence.

Violations of this Policy. Failure to notify management of inability to report for work may be considered an unexcused absence and may result in disciplinary action up to and including termination of employment. Unexcused absences shall include, but may not necessarily be limited to:

- A "no show/no call" in which an employee was scheduled for work, did not report their absence to anyone, and failed to report to work.
- A failure to report an absence or late arrival by at least one hour after scheduled starting time (extenuating circumstances must be approved by the employee's Department Director and/or the Human Resource Director).
- Any absence that cannot be reasonably justified or verified.
- Any absence for personal reasons, other than personal illness, for which prior approval was not obtained through the Department Director.

- Any absence in which Vacation Leave was requested in advance but not approved and the employee took time off anyway.

Discipline pursuant to this section is at the discretion of the City. However, the general procedure for disciplining absenteeism is as follows:

- Employees absent with one unexcused absence without notifying their Department Director shall be subject to termination as if they voluntarily resigned.

8.2. Inclement Weather, Disasters and Adverse Situations

To the extent possible, all City employment facilities will remain open according to regularly scheduled business hours during inclement weather, disasters and adverse situations. The City Manager reserves the right to change business hours and/or close City facilities as conditions may warrant.

Every effort should be made to be at work due to on-going business requirements. In the event of inclement weather, disasters or an adverse situation which prevents an employee from getting to work, the employee must use accumulated vacation leave to be compensated for this time. If an employee does not have unused time off, then the time will be taken without pay. Exceptions must be approved by the City Manager.

Employees must make every effort to notify his or her Department Director of the absence prior to the start of the employee's scheduled shift.

When City facilities are closed early due to inclement weather, a disaster or other adverse situation, employees will receive pay for actual hours worked prior to closing. Employees may supplement this amount with accumulated vacation time to offset the time off from work.

8.3. Public Relations

Every City employee shall continually strive to promote good public relations for the department and the entire municipal organization. Virtually everything City employees do has either a positive or negative effect on public relations.

General Public. Visitors at any municipal building or area of work shall be made to feel welcome and shall be treated in a friendly and courteous manner. All inquiries, complaints or requests for assistance shall be given prompt attention.

Release of Information. Public statements or the release of information on all matters related to municipal policy, administration and the operation of any department or

personnel management shall be limited to disclosure by the City Commission, City Manager, or Department Director.

8.4. Motivation/Knowledge

Every employee in the City service is working for the same public. Each City employee should constantly strive to develop a better municipal operation. All employees should acquire a thorough knowledge of their own jobs and should possess a profound respect for their work. Employees should also maintain a constructive, business-like attitude and always strive to promote harmony among coworkers and respect for positions of authority.

8.5. Physical Fitness

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing all assigned tasks.

In those departments where the nature of the work requires unusual or extraordinary physical exertion, coordination or dexterity, under the guidance of a physician, appropriate physical fitness standards for each such classification shall be adopted. Such standards shall be adhered to by each employee serving in any such capacity.

Any employee may be required to submit to a physical examination when requested by the Department Director and approved by the City Manager. The cost of the physical examination shall be paid by the City and performed by a City-designated physician.

8.6. Care and Use of Equipment and Facilities

Any employee of the City found to be responsible for damage to or loss of City property or equipment through negligence, carelessness or abuse shall be subject to disciplinary action and may be required to reimburse the City.

No equipment, material or supplies belonging to the City shall be removed from their location or used without permission. The Department Director or City Manager shall be the only individuals with authority to grant such permission. Vehicles and other equipment assigned to individual personnel shall be used only for City business.

City equipment and facilities shall be used for official purposes only. Employees should not request or expect special privilege use of City facilities of equipment.

8.7. Dress Code and Uniforms

Police and Fire Department. An annual employee uniform allowance shall be established for the Police and Fire Departments and maintained by the Department

Director. Purchases for these departments must be approved and monitored by the Department Director based on the approved budgeted amount for a single year. Only approved general type clothing may be purchased for the plain clothes officers in the Police Department who do not work in standard uniforms.

All Departments (except Police and Fire). Employees must maintain a neat, professional and clean personal appearance always. Employees' grooming and dress should be appropriate to the work situation. This includes attention to body, teeth, nails, hair, and clothing. Hair should be clean, combed and neatly trimmed or arranged. Shaggy unkempt hair is not permissible regardless of length. Sideburns, mustaches, and beards should be neatly trimmed.

Certain departments require their employees to wear uniforms. The basic uniform may consist of a uniform-type summer or winter shirt and dark blue uniform trousers or dark blue jeans and shoes/boots subject to Department Director approval. All uniform shirts shall bear the approved City insignia for identification. Shoes or boots are not provided by the City, but the type to be worn is subject to approval by the Department Director.

Employees must wear any uniforms as intended, and shall not deface, de-sleeve, or otherwise wear uniforms in way that is unbecoming to an employee of the City. Employees should not wear uniforms during non-working hours. Alterations are normally at the expense of the employee.

An adequate number of uniforms determined by the Department Director shall be provided to each employee in the Parks and Recreation Department, Street Division, Wastewater Division, Water Division and Flood Control Division, and the same shall be replaced as scheduled by each Department Director if damaged during the course of employment.

Any general type of clothing that is not part of the specified uniform for the respective department and is paid for with the uniform allowances shall be considered as a taxable benefit by the IRS, and the total annual amount of purchases will be added to the W-2 earning statement as additional compensation for the employee.

Uniform costs for all departments are subject to annual approval in the City budget.

Each department providing and requiring the wearing of uniforms shall develop a department policy which shall be submitted to the City Manager for approval.

Should an employee have any questions regarding this appropriateness of attire, they should direct their questions to the Department Director.

8.8. Security – Employee Identification.

Full-time employees will be issued two photo identification cards. These identification cards must always be visibly worn or carried on their person while working in or around a City facility/operation. In the event of an emergency or disaster, the photo identification cards will be required for access to the City and/or City facilities. Upon leaving employment or service with the City, identification cards will be turned in along with other City property.

8.9. Use of Official Badge or Credentials.

City employees shall not allow their badges or credentials to be used by unauthorized persons. Employees may not use their badges or credentials for personal gain.

8.10. Personal Property

Employees are discouraged from bringing valuables or large amounts of cash to work. The City assumes no responsibility for loss or theft of personal property.

8.11. Cleanliness of Work and Public Areas

To provide a professional work environment, the City asks that all employees maintain their workspaces in a clean and orderly manner. This requirement also extends to shared public areas such as conference and break rooms.

8.12. Smoking, Vaping and Electronic cigarettes

Because of increasing evidence that second-hand tobacco smoke and vapor from electronic cigarettes creates a danger to the health of persons who are present in a smoke or vapor-filled environment, the City regulates smoking, vaping and electronic cigarettes by City employees while on duty.

Smoking, vaping, and electronic cigarettes are prohibited within any City facility and in City vehicles. Smoking, vaping and electronic cigarettes are prohibited outside of a City facility within a ten (10) foot radius to any access point. This policy shall apply to all employees, vendors, customers, volunteers, members of the public and passengers in City vehicles.

Department Directors and supervisors shall enforce this policy daily. Violations of this policy will be considered a work rule violation, and employees will be subject to appropriate discipline.

8.13. Nepotism

The employment of immediate family members, as defined below, in the same department or area of operation can cause conflicts and problems such as claims of partiality in treatment at work and personal conflicts from outside the work environment being carried into day-to-day working relationships.

No person shall be employed in any department where a member of their immediate family is employed or in a department supervised by an immediate family member.

For the purposes of this policy, “immediate family” includes an employee’s spouse, children, parents, brothers, sisters, grandparents or close relatives by marriage. If two (2) employees within the same department marry or cohabit during the period of their employment, one of the employees may be transferred by the City Manager to another department without loss of pay or the employee must resign. The prohibition of employment of immediate family members shall not apply to police and fire volunteers, even though they may be paid for their service (Res. 061206).

8.14. Gifts and Favors.

No elected or appointed official or employee of the City shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation known to be interested directly or indirectly in any manner whatsoever in business dealings with the City, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence such official or employee in the discharge of any duties or grant in the discharge of any duties any improper favor, service or thing of value. The prohibition against gifts or favors shall not apply to an occasional non-pecuniary gift of nominal value, an award publicly presented in recognition of public service or any gift which would have been offered or given if not an official or employee. For purposes of clarification, nominal value shall be defined as equal to or less than ten dollars (\$10.00) in value.

8.15. Political Activity.

As private citizens, employees may participate in all political activities, including holding public office, except for activities involving the election of candidates for any City office and where holding an appointive or elective public office is incompatible with the employee’s City employment.

City employees are not prohibited from supporting candidates for office or from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for City elective office or to make public endorsements of a candidate for City elective office. Support or endorsement of

candidates for office shall not be permitted while acting in an official capacity as a City employee.

Any employee desiring to become a candidate for City elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, the employee shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons or signs on their person or on City property during on duty hours.

No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for a candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.

The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service based on their political affiliations or activities.

8.16. Membership on Boards and Commissions.

Employees shall be permitted to be a member of councils, boards or commissions that are advisory to the City, except that no employee shall be permitted to serve on the following boards or commissions: Board of Zoning Appeals, Library Board, Recreation Commission and Planning Commission.

8.17. Residency.

While employees are not required to maintain residency within the City, employees subject to frequent call out for emergency services are expected to reside within a reasonable distance of their place of employment.

It will be the duty of each Department Director to develop a policy and monitor the response times of their employees. Failure of an employee to respond according to their department policy may result in disciplinary action.

8.18. Outside Employment.

An employee may carry on a second job on a part-time basis if:

1. The second job is approved by the employee's Department Director.
2. The second job does not conflict with the "working" hours of the employee's City job.
3. The employee maintains efficiency and productivity in the City job.
4. The second job does not cause a conflict of interest that could harm the City.

If an employee suffers an injury in the course of approved outside employment, that employee may use sick leave accumulated through employment with the City. An employee injured in outside employment may only use sick leave to the extent that when added to any workers' compensation received from the outside employment, the employee receives no more than the employee's regular City wages. City employees shall not use City worker's compensation or injury leave for injuries received while working for someone other than the City.

SECTION 9: CITY VEHICLE POLICY

9.1. Vehicle Use Requirements

The City shall allow certain employees with the City to utilize a City-owned vehicle to conduct City business. The following conditions apply to the use of City vehicles:

- Only City employees and other approved person(s) may drive or be passengers in City-owned vehicles.
- Employees may be required to keep vehicles overnight, depending on the demands of their position. The City Manager must approve any retention of City vehicles overnight.
- Absent approval from the City Manager, employees may not drive vehicles home if they live more than five miles from the City limits. City vehicles that are driven home by employees may not be used for personal use and may be subject to the IRS regulations governing taxes and benefits.
- All employees authorized to drive a City vehicle shall have a current Kansas driver's license and shall be subject to annual review by the City. Some employees may be required to obtain a Commercial Driver's Licenses.

9.2. Driver Safety Requirements

Employees shall act in a safe and reasonable manner while operating a City vehicle. Listed below are a few simple but necessary rules to follow to prevent accidents and injuries:

- Do not operate the vehicle while under the influence of alcohol or drugs.
- Check the proper functioning of lights, gauges, tires, tire pressure, wipers, seatbelts, door locks, and breaks prior to use and on a daily basis. Should a defect be found wherein the safe operation of the vehicle is compromised, notify a supervisor and schedule immediate maintenance for the vehicle.
- Immediately report all accidents and traffic citations to the Human Resources Director or the City Manager. Do not leave the scene of an accident.
- Always wear a seatbelt when the vehicle is in motion. Ensure that all passengers always wear a seatbelt when the vehicle is in motion.
- Operate the vehicle in accordance with all state and local laws.
- Obey all traffic signs and posted speed limits.
- Always park the vehicle in a safe, authorized location. Lock all doors and remove all valuables.

- Utilize Direct lights from sunset to sunrise and at any time when the wiper blades are in use.
- Do not follow other vehicles too closely. Leave plenty of space for a sudden or unexpected stop.
- Do not operate the vehicle while distracted.
- Use of cellular phones or any other technology requiring a driver's attention may be used in City vehicles subject to compliance with Section 10.4 of this Handbook.
- Smoking and electronic cigarettes are City-owned vehicles is prohibited.

9.3. Accidents

In the event of an accident, employees should immediately report the accident and any injury to any person or property damage to his or her supervisor or Department Director, Human Resource Director or City Manager.

9.4. Traffic and Parking Infractions

Employees are responsible for any and all traffic and parking infractions incurred while operating a City vehicle. The City will not reimburse employees for any monetary fines resulting from traffic and parking violations. Employees receiving traffic or parking infractions while operating a City vehicle may be subject to disciplinary action.

SECTION 10: SOCIAL MEDIA POLICY

10.1 Social Media

Purpose. This policy is to provide guidelines and define individual and departmental responsibilities for the use of social media, such as Facebook and/or Twitter. The purpose of social media is to inform as many citizens as possible of City business in an effective and efficient manner. This will build a stronger community, by providing citizens a better understanding of their government.

10.2 Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments. Content: Any text, metadata, QR codes, digital recordings, videos, graphics, photos, and links on approved sites.

Employee: Elected officials and personnel appointed to a position (regular, temporary, or volunteer) of service with the City.

Employer: The City of Abilene Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: Content that an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Public Record: Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Social Media Representative: A City of Abilene employee who has been trained in the Social Media Policy and who has been designated to establish and/or maintain a social media account on behalf of their department. A representative must be identified before the City department can use social media. Examples include but are not limited to: forums; weblogs; wikis; social networking, communication, and bookmarking sites; podcasts; photo or video sharing sites; and real-time web communication sites/systems.

10.3 Responsibilities

It is the responsibility of Social Media Representatives to read and adhere to relevant policies, to maintain archival data, maintain current accurate information via City social

media platforms, and to ensure that the City is being appropriately represented. It is the responsibility of Department Directors or designees to enforce this policy, to ensure that relevant City standards are met, and to ensure that the use of social media platforms meets the City's business needs. It is also the responsibility of Department Directors or designees to review and make decisions regarding the approval and distribution of information on social media platforms.

10.4 Policy and Procedure

Social media platforms must comply with applicable federal, state, and city laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, public records, records retention, First Amendment rights, privacy and security laws, and conduct policies established by the City of Abilene. The best, most appropriate uses of social media platforms for the City of Abilene fall into two general categories: as channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information); and as marketing or promotional channels which increase the City's ability to deliver its messages to the widest possible audience.

Each Department Director will designate at least one Social Media Representative for the department, who is responsible for providing and updating content and information posted on the social media site(s) pursuant to policies set forth.

All requests for official City of Abilene social media sites are subject to review and approval by the City Manager. To request a new social media site, a Social Media request in writing must be submitted to the City Manager.

Terms of Service Typically, a Terms of Service (TOS) agreement is associated with the use of third-party social media tools. Each social media site usually requires users to accept a TOS agreement specific to that site. a. In order to avoid violations, the Social Media Representative in conjunction with the City Attorney, will review the most current TOS prior to implementing any new social media site. b. The Social Media Representative in conjunction with the City Attorney will review significant amendments made to the TOS for any sites currently used by the City, to determine whether these amendments contradict City policy. c. If the TOS appears to contradict City policy, the Social Media Representative will notify the City Manager, who will determine whether the use of such social media site is appropriate.

Each Social Media Representative authorized to access and update a social media site must have a unique user account. Multiple Social Media Representatives will not share a generic login, and Social Media Representatives may not share their login or passwords with other staff members, volunteers, or others who update the social media site. Upon separation of the Social Media Representative, the Department Director or City Manager will be responsible for changing the login and password. Each social media user account will be set up in conjunction with an official City e-mail account for the purposes of privacy,

security, and records retention. The Social Media Representative for each department will maintain a list of all City social media sites, logins, and passwords. As needed, she/he may create administrative user accounts to enable the City to change account settings and to immediately add, edit, or remove content from social media sites.

The official Website of The City of Abilene (www.abilenecityhall.com) will remain the City's primary and predominant internet presence. Language Content provided by the City on social media sites should avoid the use of abbreviations, jargon, acronyms, or slang iterations. Although social media sites are often more casual than other communication tools, they still represent the City and should maintain a professional image. The City's social media sites will use approved names, official titles, and the official City logo in the header/main page whenever possible. Equal Access Social Media sites requiring membership or subscription to view content should be avoided. Security settings should be as open as possible to allow the public to view content without requiring membership or login.

A social media platform, like any communication resource, must be updated regularly to ensure the information provided is current, accurate, and useful. Social Media Representatives are responsible for maintaining social media sites by viewing and updating them as necessary and appropriate. As a general rule of thumb, social media site content should be updated at least once per week. Commenting and Discussions Commenting and/or discussion boards are prohibited, unless approved by the City Manager.

Users of the City's social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. All social media sites must include a general disclaimer regarding public records and external links.

All City of Abilene presences on social media platforms are considered an extension of the City. Approved Social Media Representatives are permitted to access and maintain approved City social media accounts during regular work hours and/or using City equipment. Employees representing the City via social media platforms must conduct themselves at all times as representatives of the City of Abilene. Employees who fail to conduct themselves in an appropriate manner are subject to the disciplinary procedures outlined in applicable. When posting information on the City's or another agency's social media site, the Social Media Representative must identify themselves by full name, title, agency, and contact information, and shall address issues only within the scope of their specific authorization. All content posted by the Social Media Representative on the City's social media sites should be true and not misleading and all claims should be substantiated. In the event inaccurate information is posted on the City's social media sites it should be removed as soon as discovered and a public correction should be made. If employees exchange information on the City's or another agency's social media site but are not authorized to speak on behalf of the City, they must clarify that they are presenting information on their own behalf and that they do not represent the position of the City.

Any public records created through the use of social media platforms are subject to State and Local public records laws and records retention requirements. Each City-sponsored social media site must clearly indicate that any articles or other content posted or submitted for posting are subject to public disclosure laws. An original record is created when unique information related to City businesses is posted on social media sites, which are not provided via the City's official website or in another format, and are, therefore, subject to the Public Records Act and records retention requirements. Examples of original records that may be created through use of social media sites include, but are not limited to a. Account information (user names, passwords, etc.); b. Listings of social media site 'friends,' 'followers,' 'fans,' etc.; c. Information posted to social media sites that was not first provided via the City's official website, press release, or other format. All social media content with public records value must be maintained for the minimum required retention period in an easily accessible format that preserves the integrity of the original record to the extent possible. The Social Media Representative should refer to the most recent versions of the Kansas State approved Records Retention Schedules for applicable records retention requirements. In general, the majority of content provided by the City on social media sites must be retained for at least two years. Various methods may be employed to retain public records created on social media sites. Options include: a. Archiving Software/Service: The City may use software or service designed to capture content from social media sites for retention and retrieval; b. E-mail: Updates, comments and account change notifications are sent to a City email account created for this purpose and retained as described in this section; c. Website Capture: Web capture tools may be used to capture snapshots of City's social media sites in their native format, such as the Washington State Digital Archives website capturing program; or d. PDF Format: Staff may convert social media pages to PDF format, and the PDF files saved for retention purposes. This option retains the content and formatting (look and feel) of the original web page.

Employees should not include personally identifiable information about themselves or others, such as Social Security Numbers, personal phone numbers, email addresses, or home address via official City social media sites. As a security measure, Social Media Representatives shall not use the same password used in their personal accounts as the City's password. Employees may not post any content involving or related to any of the following: a. Items that are involved in litigation or that could be involved in future litigation; b. Violates copyright license agreements; c. Promotes or advertises any political campaign or ballot measure; d. Can be used for or to promote any illegal activity; e. Promotes or solicits for an outside organization or group unless authorized by the City Manager; f. Defamatory, libelous, combative, offensive, disparaging, demeaning, or threatening materials related to any person or group; or g. Personal, private, sensitive or confidential information of any kind.

10.5 City Cell Phones or any other electronic device

The City understands employees have a legitimate need for mobile communications. Employee requests for cellular phones must be submitted to the City Manager's Office for review. City-owned cellular phones should be used primarily for City government business and must be used in compliance with all applicable City policies. However, incidental personal use is acceptable for employees who are required to carry a City-owned cellular phone on a routine basis.

When at all possible, employees shall refrain from placing cellular calls or using a cellular phone while driving a City vehicle. If a cellular phone is to be used while driving, the following rules shall be followed:

- Immediately determine if the vehicle can be safely driven off the road and parked in an appropriate location for the remainder of the conversation.
- Never take notes, look up phone numbers, look away from traffic or be distracted in any way while driving.
- Never send or read text messages.
- Immediately suspend any call if driving in heavy traffic or hazardous weather conditions.

When the monthly detail billing is received from the provider of service, it will be audited by the Financial Director. All Department Directors will audit their phones exceeding allocated minutes. The Department Director will have the responsibility to determine if the exceeding minutes are due to after hour call out time or personal usage. Personal usage charges will be paid by the tenth of the following month or they will be withheld from the next payroll. Charges for roaming and long distance will not be paid by the City unless they are related to City usage. Either the City Manager, Human Resources Director, or Department Director has the right to call any number previously called by the phone.

The City will make the initial purchase of any cell phones, but it is the responsibility of the individual to maintain the equipment in good repair while in their possession. The City does not maintain insurance policies on its cell phones. Employees should report damaged or lost equipment to their Department Director and Finance Director as soon as possible. The City will bill damaged or lost equipment to the individual who was using the equipment when the equipment was lost or damaged.

10.6 Electronic Mail

Purpose and Scope. This policy establishes guidance for the acceptable use of the City-provided electronic mail ("e-mail"). This policy applies when the users are on the

City's premises using the City equipment, off the City's premises logging into the City servers, or using the City information off the Internet or by other means.

Use for City Business. Use of e-mail is encouraged where it is suitable for business purposes, supports the goals and objectives of the organization, and is consistent with the employee's job responsibilities. E-mail is a valuable corporate resource and must not be used for personal gain, including solicitation of non-City business or illegal activity.

Personal Use. Using a reasonable amount of City resources for personal e-mails is acceptable, but non-work-related e-mail shall be saved in a separate folder from work-related e-mail and not stored on City servers.

Prohibited Use. All e-mail use that is inconsistent with this Electronic Mail Use Policy is subject to disciplinary action, up to and including termination. Using the City's e-mail system for the following activities, although not an exhaustive list, is expressly prohibited:

- Engaging in illegal activities, such as harassing other users or sending unsolicited "spam" e-mail.
- Transmitting messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, age, physical attributes, or sexual preference.
- Intentionally spreading computer viruses or other destructive information.
- Accessing or distributing threatening or obscene material.
- Maliciously disrupting e-mail access.
- Attempting to gain unauthorized access into any computer account or system.
- Using resources to destroy data belonging to the City or any other organization or individual.

Employees who receive any e-mails with this content from any City employee should report the matter to their supervisor immediately.

Public Representation through E-Mail. The City seeks to prevent harm to its reputation as a result of improper employee e-mail usage. The general public may view e-mail that originates from an account containing the name "the City" as an official statement from the City and not the statement of an individual employee. As a result,

certain e-mail content and subject matter should be limited to the extent possible. All employees sending e-mail must carefully avoid using profanity or discussing controversial topics such as sexuality, racial issues, or other topics not in keeping with the professional image of the City. Employees should use their own personal e-mail addresses when sending or receiving information of a questionable nature, and these communications should not take place on City property or during City time.

Employee's Expectation of Privacy. All messages, files, and records created, sent, or retrieved over the City's e-mail are the property of the City and should be considered public information.

The City reserves the right to access, monitors, retain or use this information if deemed necessary and appropriate. This examination assures compliance with internal policies, supports the performance of internal investigations, and assists with the management of the City's information system. This information can be disclosed to management, law enforcement agents, and other authorized parties with a bona fide need-to-know. This may be done without prior consent of the sender or receiver. Employees may not, without City permission, lock or password-protect any document or electronic transmission on the City system.

Employee Accountability. All e-mail users are strictly accountable for the accuracy and appropriateness of links and information available from the Internet/Intranet sites. All e-mail users assume personal liability for any and all violations committed while using the City's e-mail system.

10.7 Violation of Policy

Employees shall be subject to immediate discipline for violating the City's Technology Use Policy. Employees who learn of any misuse of software or related documentation within City operations shall notify their Department Director, or the City Manager.

SECTION 11:

RECRUITMENT, SELECTION, TRAINING AND DEVELOPMENT

11.1 Qualifications for Employment

All applicants must complete an application form to be eligible for employment with the City and complete a release and waiver for pre-employment background check. All applicants must also meet the minimum qualifications and be able to perform, with or without a reasonable accommodation, the essential functions of the positions sought. Upon receiving a conditional offer of employment, an applicant may be required to successfully complete a physical examination or other tests. All City employees must meet the requirements of the City Drug and Alcohol Testing Policy.

11.2 Employee Selection and Promotion

Whenever possible, the City will attempt to fill vacancies for supervisory, skilled, and upper-level positions from the ranks of existing employees. All employees seeking promotion shall be expected to meet the minimum qualifications for the classifications to which they seek promotion. Employees seeking promotion may be required to undergo a physical examination or other tests.

Notices of position vacancies can be distributed, as necessary, through electronic mail ("email"), through internal memoranda, or by posting on City bulletin boards. Before filling any approved vacant position, current employees who are qualified and who apply for the position shall be given equal consideration for transfer and promotion.

The City Manager or Human Resources Director shall determine position vacancy posting dates and application closing dates.

Competitive Selection. The City Manager may designate the class of eligible applicants based on any of the following criteria:

- Internal. The selection process may be limited to persons in the City service or a segment thereof.
- Open. The selection process may be opened to the general public without special preference or consideration for any City employees who apply.
- Open; Internal Preference. The selection process may include both City employees and members of the general public, with City employees given preference in application and/or consideration.

Non-competitive Selection. When in the best interests of the City, a non-competitive selection process may be specified by the City Manager.

Voluntary Demotion. Demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. An employee may request a demotion at any time. Such voluntary demotion will not be effective until approved by the City Manager.

Demotion in Lieu of Layoff. An employee may be demoted as an alternative to layoff. Such demotion may be fully or partially rescinded at any time through non-competitive promotion.

Lateral Transfer. Lateral transfer is any assignment from one position to another not involving a promotion or demotion. The City Manager may consider a lateral transfer at an employee's request or when it serves the City's best interest.

11.3 Required Certifications

If an employee's job requires a license or certification, it is the employee's responsibility to maintain a current and valid license or certificate during employment. Proof of renewal may be required and must be presented by the employee, if requested by the Department Director or Human Resources Director. Any change in status of an employee's license or certification must be reported immediately by the employee to his or her immediate supervisor.

Employees that are required to have a CDL as part of their job will be reimbursed by the City for the cost difference between the regular license and the CDL when a reimbursement request is submitted to their Department Director.

11.4 Orientation and Training

Each employee will receive orientation training including, but not limited to, duties of the position, hours of work, relationship to other employees, safety precautions, emergency procedures and other relevant information about employment. When possible, orientation training will be provided on the first day of employment by their supervisor or department director. Some positions as designated by the City Manager, Human Resources Director, or Department Director may be required to sign a training/retention/reimbursement form.

11.5 Performance Reviews

Understanding one's strengths and weaknesses is critical to successful job performance. The City is committed to helping employees improve their performance and to identifying those areas in which employees excel and those areas that may need improvement. Accordingly, supervisors, Department Directors, and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

The City shall make every effort to complete a formal, written evaluation of all full-time and part-time employees following their first three months of employment with the City or in a new position, and, thereafter, on an annual basis. Supervisors or managers may evaluate an employee on a more frequent basis. Performance reviews are maintained permanently in the employee's personnel file.

The City Manager, or his or her designee, shall have the responsibility for administering the performance review. The employee's immediate supervisor should rate the employee when possible.

Merit increases dependent on performance evaluation may be provided in accordance with the City's Employee Classification and Pay Plan and/or Budget of the City.

In accordance with the City's Employee Classification and Pay Plan, subject to annual appropriation by the City Commission, the criteria for merit salary adjustment shall be:

- At the end of the initial three months of employment with the City or in a new position, a satisfactory or higher rating on the job performance evaluation; or
- Annually thereafter based on satisfactory or higher rating on the current job performance evaluation.
- If budget allows and approved by City Commission.

SECTION 12:

EMPLOYMENT STATUS, CLASSIFICATION AND RECORDS

12.1 Nature of Employment

Most employees of the City do not have individual, written contracts for specific, fixed terms and are employed at-will. “At-will” means that you or the City may terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice. If an employee has a question with regards to at-will employment, he or she is advised to consult with the Human Resources Director.

12.2 Employment Classifications

To assist employees in determining their eligibility for City benefits, and the calculation of the accrual of such benefits, the City establishes the following employment classifications:

- **FULL-TIME:** Employees who work on a regular, continuing basis for not less than eight hours a day, or forty hours in a standard workweek of seven days (not less than 2,080 hours per year). Firefighters shall be considered full-time if they work on a regular, continuing basis for not less than 144 hours in their modified workweek of nineteen days (not less than 2736 hours per year).
- **REGULAR PART-TIME:** Employees who work not less than twenty hours in a normal full-time seven-day workweek, or not less than 1,040 hours per year on a continuing basis.
- **NON-REGULAR, PART-TIME:** Employees who work less than a normal full-time workweek and who are not scheduled on an annual basis. The actual hours of a non-regular, part-time position may vary during the year. Non-regular, part-time employees are not eligible for benefits. Students eighteen years of age and under working between academic terms shall be considered non-regular, part-time employees regardless of the number of hours worked.
- **TRAINING/PROBATION PERIOD:** Full-time or part-time employees must complete a three-month training/probation period. The employee’s training period may be extended at the discretion of the City Manager. Firefighters and Police Officers must complete a minimum one-year training/probation period.
- **SEASONAL:** Employees who work on a regular, or continuing basis, but only during a specific “season” or portion of the year. The anticipated date of termination is usually known prior to commencement of employment.
- **TEMPORARY:** Employees who are employed for temporary periods, so that they cannot be said to work on a regular, continuing basis. A temporary

position may be created as a result of a federal or state grant of limited duration for a program or project, or to fill a position while a full-time employee is on leave. The anticipated date of termination or duration of employment is usually known prior to commencement of employment.

In addition, employees are classified in one of two classifications for wage and hour purposes under federal and state law:

- **NON-EXEMPT EMPLOYEES:** Employees who are eligible to receive overtime compensation at the rate of one and one-half times the employee's regular rate for all hours worked over forty hours in a workweek. Fire department personnel shall be eligible for overtime compensation for all hours worked over 144 hours in a nineteen-day workweek. Police Officers shall be eligible for overtime compensation for all hours worked over 160 hours in a twenty-eight day workweek.
- **EXEMPT EMPLOYEES:** Employees who are not eligible to receive overtime compensation for hours worked in excess their standard workweek. Categories of exempt employees include, but are not limited to: executive, administrative, and professional. All exempt employees shall be notified of their exempt status at the time of hire or at the time of a change in status of their exempt classification.

In the event of a change in status, it shall be at the discretion of the City Manager to determine whether service credit shall be given for temporary employee status work. Any employee who changes from temporary to part-time or full-time status shall be considered a new employee as of the date of such change.

Consultants, contracted labor, interns, and volunteers are not considered to be the City employees. Personnel engaged through working agreements, contracts, or arrangements with temporary services agencies shall be classified as temporary employees, and as such, shall not be entitled to receive benefits provided by the City.

Employees who have questions regarding their employment classification should contact the Human Resource Director.

12.3 Personnel Files

Information Contained in Personnel Files. Certain personal information is required to be maintained to satisfy governmental requirements; other information is vital for benefits purposes. The Human Resource Director shall keep such information in personnel files for all persons employed. The personnel file may include, but is not limited to, such information as the employee's job application, resume, training records,

performance reviews, compensation history, and related documents and materials. Copies of professional licenses, certifications, and training verifications must be submitted by the employee to the Human Resource Director. All medical and health records are maintained separately, however, and access to such information is highly restricted. Personnel files are City property.

Personnel File Updates. An employee's eligibility to receive certain benefits and benefits payments may be affected by failing to provide current personal information. Employees shall promptly notify the City of any changes in certain personal information, including but not limited to: legal name change, mailing address, telephone numbers, marital or familial status, name of spouse and dependents, and emergency contact information. These changes should be submitted in writing to Human Resources by using a Personnel Status Reporting Form, attached to this Handbook, and a new W-4 form.

12.4 Requests for Personnel Information

All requests for recommendations or information concerning employees shall be handled by the Human Resource Director. Without a full release form signed by the employee, the only information the Human Resources Director will provide is date of hire, position held, salary, and date of termination. Personnel files are City property.

Third-Party Access to Personnel Information. Access to personnel records shall be restricted, so as to maintain as much confidentiality as practical. The City reserves the right to verify employee information such as employment status and job title to law enforcement, public safety officials, or medical officials who have a valid need to ascertain limited, specific information about the employee, without notification to the employee involved.

Employee Access to Personnel File. Employees may, upon a written request and with a minimum of two days' notice to the Human Resource Director, review their own personnel file. All personnel files shall be viewed only on the City's property and in the presence of the Human Resource Director, or his or her designee, at a time convenient to the Human Resource Director, or his or her designee. Employees may review their own personnel file only during the employee's non-working hours. Under no circumstances may an employee remove his or her personnel file, or any part of it, from the City's property.

SECTION 13:

COMPENSATION, TIMEKEEPING, HOURS AND PAYROLL

13.1 Pay Plan Established.

The City Commission shall establish a Pay Plan, which may be periodically updated, to set the minimum and maximum rate of pay for every City position except for the positions of members of the City Commission, City Manager, and Municipal Court Judge, which shall be established separately.

Regular full-time employees shall receive the wages prescribed for their position. Part-time or temporary employees (whether full-time or part-time) shall receive wages at a rate determined by the City Manager.

The promotion of an employee to a class with a higher salary range shall include an increase in salary to at least the minimum for the new classification upon approval of the City Manager. Promotional pay increases may be delayed for a period not to exceed three months pending satisfactory completion of a training period for the job to which promoted.

If an employee is reclassified or demoted to a lower classification, the employee's salary may be reduced as established for that classification. Any changes in pay as a result of such reclassification or demotion will occur simultaneously with such reclassification or demotion.

13.2 Salary Range New Employees

A new employee normally will enter employment at the minimum rate of pay for the position. Original appointment above this rate may be made with the recommendation of the Department Director to the City Manager. A condition of an appointment above the minimum rate will depend upon the department's budgeted wage line item and that the candidate for the employment exceeds the minimum qualifications with either education or experience.

13.3 Merit Salary Increase

Meritorious service is recognized at the time of annual evaluation. Merit salary increases shall not be routine, automatic or based upon longevity.

13.4 Regular Rate of Pay

An employee's Regular Rate of Pay is the equivalent of the employee's hourly rate plus additional compensation paid to an employee for the normal, non-overtime work week.

All remuneration for employment paid to the employee, except payments specifically excluded in this Handbook and/or as allowed by law, shall be included in the employee's Regular Rate of Pay.

An employee's Regular Rate of Pay shall not be deemed to include: (1) payments made for occasional periods when no work is performed due to vacation, holiday, illness, bereavement leave, insufficient work, or other similar cause; (2) reasonable payments for traveling expenses, or other expenses, incurred by an employee in furtherance of the City's interests and reimbursable by the City; and (3) other similar payments to an employee which are not made as compensation for the employee's hours of employment.

13.5 Overtime

Overtime shall be allowed when an emergency exists, or overtime is necessary to carry out essential services of the City. Employees may occasionally be required to work overtime to meet the demands of customers. Non-exempt employees are eligible for overtime pay for work beyond forty hours per workweek except: (1) fire department employees are eligible for overtime pay for work beyond 144 hours in a nineteen-day work period; and (2) police department employees are eligible for overtime pay for work beyond 160 hours in a 28-day work period. Exempt employees, as defined by the Fair Labor Standards Act, are not eligible to receive overtime pay.

Employees shall receive authorization by the employee's supervisor before it is performed. Supervisors shall limit overtime for periods when an emergency exists, or overtime work is necessary to carry out essential services of the City as assigned by the employee's immediate supervisor or Department Director. It is the employee's responsibility to accurately record and submit record of any overtime worked. Working overtime without prior authorization may subject an employee to discipline, up to and including termination.

In accordance with the Fair Labor Standards Act (FLSA), the City of Abilene will grant employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement, firefighting, emergency management, and other employees. Compensatory time will be accrued at time and one-half and will be limited to 60 total hours of accrual in a calendar year, based on the time and one-half accrual rate for hours worked in excess of 40 hours a week. Any compensatory time that is not used by the end of the calendar year will be paid out to the employee.

In the event any portion of the policy is interpreted to conflict with the Fair Labor Standards Act or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

The City Manager may periodically request an audit of overtime and compensatory time to ensure that it is being used according to the policy and any applicable guidance memoranda.

13.6 Work Periods

The City has established a seven-day work period for all employees that shall begin on Sunday and end on Saturday of each week. This work period will apply to all departments of the City except the Fire Department and Police Department employees. Firefighters shall work a nineteen-day work period and Police Department employees shall work a 28-day work period. The work period for Police Department and Fire Department employees shall not coincide with the regular fourteen-day pay period.

13.7 Work Schedules and Shift Assignments

Standard Business Hours. All work schedules different than the standard work schedule shall be approved by the City Manager. The City will make every attempt to provide employees with a consistent schedule. The City reserves the right to change the work schedule as necessary.

Lunch and Rest Breaks. It is the policy of the City to provide lunch and rest breaks during the course of the workday. One hour may be taken for lunch, as specified by an employee's supervisor. The lunch hour is an unpaid break and will not be eligible for employees to accumulate overtime or compensatory time. Additionally, employees may take a paid rest break of fifteen minutes for every four hours of continuous work. The time of the rest break, usually mid-morning and mid-afternoon, shall be determined by the employee's supervisor. However, business conditions may preclude this privilege from being granted. It should be understood that breaks are a privilege granted at the discretion of the City.

13.8 Recording of Time

It is the employee's responsibility to accurately record all time worked. Non-exempt employees must record time out if they leave the premises for lunch breaks or other personal reasons and record time in upon their return.

Employees who fail to record time in or out must correct his or her time record immediately to accurately record the actual time worked.

Willful failure to record time in or out or recording time not worked is considered theft of company time. Employees who engage in theft of company time shall be subject to immediate discipline, up to and including immediate discharge from employment.

Employees must sign their timecards at the end of every pay period.

13.9 Pay Period and Paydays

All employees are paid on Fridays by direct deposit on a bi-weekly basis, regardless of full or part-time status. Employees will not have the option to be paid in any method other than direct deposit.

Payroll information is confidential and shall not be communicated to fellow employees. Paychecks and/or payroll information will only be distributed to the named employee, unless a signed letter from the employee authorizing other arrangements has been delivered to the Human Resource Director. Questions regarding employee pay or paydays should be directed to the Human Resource Director or their designee.

13.10 Payroll Deductions

The City is required by law to make certain deductions from every employee's paycheck, including those for federal, state, or local income taxes and the employee's share of Social Security and Medicare. Eligible employees may authorize deductions from their paychecks to cover the costs of participation in certain benefit programs and for other purposes as allowed by law. All full-time employees who are eligible are required to participate in the Kansas Public Retirement System and an additional deduction will be made for the employee's share of the retirement program. In addition, the City is required by law to recognize certain court orders, liens, and wage assignments.

The City does not condone unlawful deductions and will make every effort to ensure compliance with the Fair Labor Standards Act and state wage and hour laws. If an employee notices deduction on his or her paycheck that are incorrect or were taken in error, he or she should notify the Human Resource Director immediately. The City will make any necessary corrections as soon as possible.

13.11 Garnishments

The City shall honor lawful garnishment orders and orders for support. Employees who wish to dispute a garnishment should contact his or her legal representative or the creditor. **The City cannot change or dishonor a garnishment order.**

13.12 Payroll Direct Deposit

Direct deposit of payroll into employees' accounts will be utilized and enables employees to have use of the funds without having to personally receive and deposit their checks. This benefit is administered to all employees; employees may not opt out of direct depositing of payroll.

The Human Resource Director or designee has the required forms to initiate direct deposit and will explain the process at the time of employment. Once direct deposit is started, employees continue to receive an earnings statement summarizing earnings and deductions for the pay period and year to date. Employees are responsible for verifying that their pay has been deposited in their bank account before writing checks using these funds. Although funds are transferred out of the City's bank account prior to each payday, there is no guarantee when the bank will post these funds to the employee's account. There may be several banks involved in transferring funds from the City's bank account to the employee's bank account.

In the event that an employee's paycheck deposit is delayed, either due to the transfer of funds from one bank to another or other reasons beyond the City's control, the Human Resource Director or designee will assist the employee in identifying the problem and possible solution in as timely a manner as possible. Any such situation must be researched before a replacement will be issued. If a duplicate payment is made because payroll funds are deposited into an employee account after the City already has issued a replacement check, the employee agrees to immediately reimburse the City for the duplicate payment.

13.13 W-2 Forms

W-2 Forms will be issued in accordance with the guidelines established by the Internal Revenue Service. It is each employee's responsibility to keep the Human Resource Director informed of his or her current address. W-2 Forms will be mailed to the last address on file for persons no longer employed with the City.

13.14 Payment of Wages at Separation

An employee who retires, voluntarily resigns, or is involuntarily terminated by the City will receive his or her final paycheck on the first regularly scheduled payday following his or her termination and will not receive pay for any accrued paid leave except accrued, but unused vacation leave. An employee that leaves employment before the completion of the three-month training period will not receive pay for their accumulated vacation leave. Final compensation for a deceased employee shall be paid to the estate of the deceased in accordance with this policy.

13.15 Call-Out Pay

A Call-Out is defined as an unscheduled request made by an appropriate management official for a non-exempt employee to return to work after leaving the work location at the end of his or her regular shift and before the beginning of the next regularly scheduled shift. Extension of the normal workday is not considered call-out for the purposes of this policy. Records justifying the reason for calling the employee out for duty shall be prepared and made available to the City Manager upon request.

Regular Employees; 40-Hour Work Period. An employee working a 40-hour work period who is directed to respond to a call-out shall be paid for the time worked, or a minimum of two hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status.

Police Officers; 160-Hour Work Period. Police officers working a 160-hour work period shall be paid to respond to a call-out as directed by his or her supervisor for time worked, or a minimum of two hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status. Police officers working a 160-hour work period shall receive overtime pay as required.

Firefighters; 144-Hour Work Period. Firefighters working a 144-hour work period shall be paid to respond to a call-out as directed by his or her supervisor for time worked, or a minimum of three hours, whichever is greater, at the employee's regular rate unless the call-out places the employee in overtime eligible status. Firefighters working a 144-hour work period shall receive overtime pay as required. Volunteer Firefighters shall be compensated for responding to fire and rescue runs at the established rate for the time worked.

13.16 Longevity Pay.

In 2008, the City Commission approved discretionary longevity pay. The City Commission may grant **discretionary** longevity pay funds permitting, and upon the recommendation of the City Manager and approval of the City Commission. Discretionary longevity pay shall not be guaranteed. If longevity is paid, classified full-time employees shall be eligible to receive the longevity pay, provided they have completed at least five consecutive, uninterrupted years of service with the City. Time of services shall be considered as of November 30 of the year that it may be paid, in a classified position. **If longevity is paid**, it shall be distributed to employees by December 31. The following table shows the longevity pay program:

Years	Amount
5 through 9	\$200.00
10 through 14	\$400.00
15 through 19	\$600.00
20 through 24	\$800.00
25 and over	\$1,000.00

If an employee leaves employment prior to payment of and approval of Longevity Pay for that year by the Commission, the Longevity Pay the will not be paid to that employee.

13.17 Employee Recognition Program.

Employees who have worked for the City for an extended period of time are eligible for employee longevity program awards, including an award for five years of service. Employees shall be recognized by the League of Kansas Municipalities for 10, 15, 20, 25, 30, 35 and 40 years of service and shall receive a gift certificate to a local business in the amount of \$10.00 for each year of service. Employees may also receive other types of recognition as approved by the City Manager and the City Commission.

13.18 Suggestion Awards Program.

The Suggestion Awards Program is designed to improve productivity and the quality of public service in City operations by implementing practical suggestions from as many employees as possible. This program allows employees to express their ideas about better ways to do their jobs and rewards employees with some of the savings or benefits resulting from those ideas.

Suggestions must be “constructive” ideas submitted in writing to the Human Resource Director. Eligible suggestions must:

- Increase productivity;
- Improve service to the public;
- Add a new source of revenue;
- Reduce costs, duplication or waste;
- Improve working conditions or safety; or
- Conserve labor, materials or energy.

A suggestion is not eligible if it:

- Deals with routine matters, such as standard equipment or normal replacements, repairs or maintenance;
- Proposes minor improvements in working conditions that the employee or department Director can correct through normal or customary action;
- Points out problems without proposing solutions or is a proposal which has the nature of a grievance;
- Concerns pay and job classifications;
- Increases existing fees or charges;
- Duplicates an earlier suggestion;

- Concerns applications of technology that are widely accepted as routine; or
- Concerns a situation that exists only because established procedures are not being followed.

Annual award amounts are recommended by the City Manager. The minimum award for an implemented suggestion is a Personal day off with pay. Awards for selected suggestions are differentiated between “tangible” benefits, which can be measured in dollars, and “intangible” benefits, which cannot be measured in terms of dollars but are worthy of adoption.

Tangible. An employee whose suggestion results in a 10% reduction in department expenses (a minimum of \$5,000), a reduction in measurable employee time or a revenue increase may receive up to two personal days off subject to scheduling approval by the supervisor.

Intangible. Where the value of a suggestion cannot be measured entirely or precisely in actual savings, suggestions are eligible for an award of up to one personal day off based on:

- How effective the proposed solution is;
- How serious the problem is;
- How extensive the problem is;
- How probable the problem is; and
- How ingenious the suggestion is.

All awards for groups of employees who submit suggestions that are implemented shall receive awards that are prorated, but not less than two hours of paid leave.

If a suggestion is not implemented as stated but leads to a different but related solution to the problem, an “indirect award” may be based on a yearly savings or revenue increase up to a maximum of one personal day off.

If the benefit from a suggestion cannot be accurately estimated when it is implemented, the City may confer an “interim award” (up to one personal day off). After the first year, an additional award may be given if actual results justify it.

City employees may obtain a Suggestion Awards Program Form from the Human Resource Director at City Hall. They should complete the form following instructions on the back and return to the Human Resource Director.

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SECTION 14:

EMPLOYEE PRIVILEGES, TIME OFF, AND LEAVES OF ABSENCE

14.1 Holiday Pay Policy

All full-time employees are eligible for holiday pay. For those days designated as off days or designated holidays, employees shall be paid wages equal to the wages they would have earned for the number of hours they would have been scheduled to work on that day. Full-time employees required to work on a designated holiday shall be paid for the total number of hours worked that day at their regular rate, in addition to the standard holiday pay.

Part-time, temporary and seasonal employees are not eligible for holiday pay. Part-time, temporary, and seasonal employees required to work on a designated holiday shall be paid for the total number of hours worked that day at their regular rate.

The City observes the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (Fourth Thursday in November)
- Friday following Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)

The City-designated holidays which occur during an employee's pre-scheduled paid time off shall not be counted against the employee's accrued paid time off. Holidays that fall on a Saturday or Sunday will be recognized the preceding Friday or following Monday.

14.2 Vacation.

Vacation leave shall be earned and accrued from the most recent day of employment under the conditions hereinafter stated. Vacation leave shall be granted after an employee has satisfactorily completed the three-month training period. An employee who works less than twelve days in any month shall accrue no vacation credit for such month of service, provided the limit of twelve days shall not apply to an employee on paid vacation or sick leave. Seasonal and temporary help shall not earn vacation time.

Floating Holiday. Full-time employees will be entitled to one floating holiday per year. If the floating holiday is not used it will not carry over into the next year.

Full-Time Employees. Full-time employees are entitled to paid vacation leave time according to the following schedule, provided no paid vacation leave time may be taken during the first three months of employment.

Years of Continuous Service	0-4	5-9	10-14	15-19	20+
Hours per year	80	100	120	140	160
Fire Department Full Time Regular Continuous Service	0-5	5-10	10-15	15-20	20+
Hours per year	109.46	136.24	164.06	190.58	218.66

Part-Time Employees. Regular part-time employees who work less than twenty hours per week receive no vacation or other leave or benefits. If they work twenty hours or more, but less than forty hours per week, they will accrue benefits at a pro-rated amount based on average hours worked on a weekly basis.

Training/Probation Period; Full-Time Employees. Employees during their initial training period shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit until they have completed their three month/probation training period. Employees terminated prior to completing their training period shall not be paid for any accrued vacation leave. Police Officers and Firefighters may use vacation after completion of 3 months out of their twelve-month training/probation period.

Annual Usage/Carryover. Vacation leave may be taken any time after three months of employment, after it is earned, subject to supervisor approval. If an employee is prevented from taking earned vacation during any year, the employee will be allowed to carry over up to 160 hours of vacation annually into the following year. Under no circumstances may an employee take pay for vacation time in lieu of time off. Any vacation leave in excess of 160 hours for all employees will be lost as of January 1st of each year.

All employees classified as non-exempt in accordance with FLSA may use vacation leave in units of not less than thirty minutes, subject to the approval of their supervisor. In case of conflict, vacation leave shall be granted based on seniority.

All employees classified as exempt in accordance with FLSA may use vacation leave in units of not less than four hours.

Holiday During Vacation. City holidays which occur during the taking of an employee's vacation leave will not be counted as a day of vacation.

Time spent on vacation leave is not considered for purposes of calculating compensable overtime in accordance with the FLSA.

Vacation leave shall not accrue while an employee is on unpaid leave status, and time spent on vacation leave does not count toward overtime.

14.3 Sick Leave.

All regular full-time employees shall be entitled to sick leave with pay for illness, injuries, accidents, doctor or dental appointments, or other physical incapacitation, regardless of whether it occurs on or off the job. An employee may use earned sick leave in the case of an illness within the immediate family. Immediate family is defined for sick leave benefits as an employee's spouse; children, biological adopted or step; parents; siblings; grandparents; grandchildren, or equivalent in-laws.

At any time, a Department Director may require a signed statement from a licensed healthcare practitioner verifying the employee's ability to return to work and perform his or her duties.

Amount of Sick Leave. Regular full-time employees shall earn one working day of sick leave for each full month of service. Except when on vacation or sick leave, employees who work less than twelve days in any month shall accrue no sick leave credit for that month of service.

Accumulation of Sick Leave. Employees may not accrue more than 120 days, or 960 hours, of sick leave.

Usage of Sick Leave. All employees classified as non-exempt in accordance with FLSA may use sick leave in units of not less than thirty minutes.

All employees classified as exempt in accordance with FLSA may use sick leave in units of not less than four hours.

Doctor's Certificate. If an employee is absent due to illness or other medical condition for three or more consecutive days, he or she is required to provide a signed statement from a licensed health care practitioner verifying the employee's inability to perform his or her duties because of illness or injury. This shall be turned into the Human Resource Director. A signed statement from a licensed health care practitioner is required in all cases of work-related injury when the employee has been unable to work after the time of the injury regardless of the number of days the employee was absent from work.

Notification. To be eligible for paid sick leave, an employee shall give reasonable notice to an immediate supervisor of the reason for the absence.

Abuse of Sick Leave. An employee who improperly claims sick leave shall be subject to disciplinary action, including loss of pay or dismissal.

Sick leave days are not considered for the purpose of calculating compensable overtime in accordance with FLSA.

Sick leave shall not accrue while an employee is on unpaid leave status, and time on sick leave does not count toward overtime.

Termination of Employment. An employee shall not be paid for any unused sick leave upon termination of employment with the City, except upon retirement or separation after twenty or more years of regular service, in which instances the employees shall receive payment for 25% of the unused sick leave up to a maximum of one month's salary (Res. 051506).

14.4 Shared Leave

If an employee or an employee's immediate family member suffers a serious illness, injury, or impairment that is likely to cause the employee to take leave without pay or terminate employment, other employees may donate their leave time to the employee through the Shared Leave program.

Coverage. Shared leave may be granted to a full-time employee if the employee has exhausted or will exhaust all eligible paid leave, including sick leave, vacation, compensatory time and/or other forms of paid leave.

Shared leave is not available for minor conditions that are not serious, extreme, or life threatening or that does not cause the employee to take leave without pay or terminate employment.

The City Manager may deny requests for shared leave made by an employee with an unsatisfactory attendance record or a history of leave abuse.

If the employee receives workers' compensation, long-term disability payments or both, the employee is not eligible to receive shared leave.

Duration. Shared leave is meant to cover only the duration of the current illness or injury for which it was collected, up to a maximum of six months from the date the employee begins using shared leave if the employee qualifies for Kansas Public Employees Retirement System (KPERS) long term disability payments. If the employee does not qualify for KPERS long term disability payments after six months of shared leave, and the illness, injury, impairment, or physical or mental condition still exists, the employee can then request more shared leave for up to an additional six months at the discretion of the City Managers review of the request.

Shared leave may only be applied retroactively if the shared leave start date is prior to the approval date. Otherwise, all donated leave must be applied to the current pay period or to future pay periods while the employee is on shared leave.

If an employee returns to work with too little shared leave to cover the period of absence, the employee has thirty days in which to obtain additional donated leave to be applied only to the two pay periods prior to return to work. The Human Resource Director must receive written notification of each instance on retroactive application of shared leave.

Request Procedures. Employees shall follow these procedures in requesting shared leave:

1. The employee completes the Shared Leave Request Form from the Human Resource Director.
2. The employee obtains appropriate medical documentation from the employee's (or family member's) physician.
3. The Human Resource Director reviews the request to determine whether the employee has:
 - a. Exhausted or will exhaust all forms of paid leave (sick, vacation, compensatory time and/or other forms of paid leave);
 - b. At least three (3) months of continuous service; and
 - c. A satisfactory attendance record.
- d. The City Manager may authorize a shared leave request in a non-qualifying situation.

4. If the request is for care of a family member, the Human Resource Director will determine if the relationship meets the eligibility requirements. Eligible family members include immediate family. Immediate family is defined for sick leave benefits as an employee's spouse, children, parents, brothers, sisters, grandparents or in-laws.
5. The Shared Leave Request will be reviewed by the City Manager, Department Director and Human Resource Director. If the Shared Leave Request is approved, a copy will be forwarded to the employee. If the request is denied, a copy will be forwarded to the employee. The request may be denied if the employee has a history of sick leave abuse.

Donation Procedures. Employees shall follow these procedures in donating shared leave:

1. Employee Donations: Donations must be made in writing on the Shared Leave Donation Form.
2. Employees donating vacation leave must have a vacation leave balance of at least eighty (80) hours (ten (10) days) after the donation. Employees donating sick leave must have a sick leave balance of at least 480 hours (sixty (60) days) after the donation is made.
3. Employees may make multiple donations during a particular approved occurrence as long as the leave balance level requirements are met. Each donation must be made on a new form and must be approved separately.
4. Donations may be made to an employee in another department.
5. Donations must be made in full hour increments.

Departmental Notification: Each department will be notified of a request for shared leave.

Record Keeping. The Human Resource Director will be responsible for processing shared leave requests, donation forms and leave balance adjustments. All required forms are available from the Human Resource Director.

The Human Resource Director will be responsible for calculating the prorated amount of unused shared leave and credit it back to donor employees in increments of not less than full hour increments based on the original amount and type of donated leave.

Shared leave shall not be returned to donating employees who have left City employment.

14.5 Bereavement Leave

In the event of the death of an immediate family member, the City will pay an employee his or her regular rate of pay for up to three (3) working days. Whether the leave should be taken in consecutive days is at the Department Director's discretion based on the circumstances. Leave is normally to be taken within two weeks unless there are circumstances where the services are more than two weeks after the death. If an employee requests time in addition to that which is approved as bereavement leave, additional time may be granted by the employee's supervisor or manager, which may be charged against any accrued but unused vacation or sick leave, unless the employee elects to take leave without pay. For purposes of Bereavement Leave, an "immediate family member" is defined as the employee's spouse, child-biological, adopted or step, parents, siblings, grandparents or, any other close relatives or equivalent in-laws. Bereavement leave can be taken a maximum of two times per 12-month period. -

14.6 Family and Medical Leave (FMLA)

Leave Available. Pursuant to the Family and Medical Leave Act, the City provides job-protected leave to **eligible employees** for:

- The care of an employee's child after birth, adoption, or foster care.
- To bond with a child (leave must be taken within one year of the child's birth or placement).
- The care of an employee's parent, child, or spouse, who has a serious health condition.
- A serious health condition that makes the employee unable to perform his/her job.
- A "qualifying exigency" arising out of the active duty or call to active duty of an employee's parent, child, or spouse.
- The care of an employee's spouse, child, parent, or next of kin that suffers a serious injury or illness while on active duty in the Armed Forces ("Military Caregiver Leave").

Amount of Leave. Employees are entitled to up to twelve weeks of leave for the above within a twelve-month period, except that Military Caregiver Leave entitles an employee to up to twenty-six weeks of leave.

Eligibility for Leave. To be eligible for Family and Medical Leave, (1) the employee must have been employed by the City for at least one year; (2) the employee must have

worked at least 1,250 hours over the previous twelve months; and (3) the City employs at least fifty employees within a seventy-five-surface mile radius.

Threshold Procedural Requirements. Employees desiring to take Family and Medical Leave must submit written requests no later than thirty days before the anticipated start date of leave. Exceptions can be made when practical reasons, such as emergencies and unforeseen conditions, make meeting this deadline impossible or impractical.

Designation of Family and Medical Leave as Paid Leave. Employees on Family and Medical Leave are required to exhaust all but twenty-four hours of their accrued Vacation Leave, which employees may choose to reserve for future use upon returning from leave. However, the employee must utilize all paid leave before leave without pay. Employees may, at their discretion, exhaust all accrued Vacation Leave while on Family and Medical Leave. The paid time will be counted against the employee's Family and Medical Leave time and the employee's Vacation Leave.

Commencement of Family and Medical Leave. Absences commencing during the time of Family and Medical Leave should be handled under sick leave, vacation leave, authorized leave without pay, or a leave of absence. The employee may not be compelled to use sick leave or vacation leave in any particular order, however, the employee must utilize all paid leave before leave without pay. The employee must state in what order he or she desires to utilize paid leave. The employee is then covered by the appropriate policy.

Medical Certifications. The City will require medical certification by a health care provider to support an employee's request for leave to attend to the employee's own serious health conditions or to care for a seriously ill child, spouse, or parent. Certification of an employee's serious health condition must include, among other items, a statement that the employee is unable to work at all or is unable to perform at least one of the essential functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, certification must include, among other items, an estimate of the amount of time that the employee is needed to provide care.

The City may require a second medical opinion and subsequent and periodic recertification, at its expense. If the employee's and the City's opinions conflict, the City may require the binding opinion of a third health care provider, approved by both the City and the employee. This process shall be paid for by the City.

When thirty-days' notice is provided, the employee must provide the medical certification before the leave begins. When this is not possible the employee must provide the

requested certification to the City within the timeframe that the City designates, but no sooner than fifteen calendar days after the request for certification. Exceptions will be made when it is not practical for the employee to do so because of the particular circumstances.

Maternity and Paternity Leave. Birth parents, adoptive parents, and foster parents shall be considered for leave at the time of birth, adoption, or placement. If the birth, adoption, or placement is reasonably foreseeable, the employee shall provide the City with at least thirty days' notice before the leave is to begin. If the birth, adoption, or placement is not reasonably foreseeable, the employee should notify the City as soon as practical. The employee may request a total of up to twelve weeks of leave in a twelve-month period.

No employee shall be compelled, coerced, or ordered to begin maternity leave at any time during the period of pregnancy. Pregnancies and disabilities caused or contributed to by pregnancy shall be considered and treated as temporary disabilities. Employees affected by pregnancy and related conditions must be treated the same as other employees based on their ability or inability to work.

A Department Director shall require an employee returning from a pregnancy or pregnancy-related condition to have a doctor's release if the employee is returning less than six weeks following the end of the pregnancy. The release must specifically state whether or not the employee is capable of fulfilling full job duties and the date the employee is released.

Restoration. An employee returning from family leave will be entitled to return to their position or to a position with equivalent benefits, pay, and other terms and conditions of employment.

Intermittent or Reduced Leave. When necessary, Family and Medical Leave may be taken intermittently or by way of a reduced work schedule.

Spouses' Combined Leave. Spouses who are both employed by the City are entitled to a joint total of twelve weeks leave, rather than twelve weeks of leave each for the birth of a child, placement for adoption or foster care of a child, or the care of a sick parent. Spouses who are both employed by the City are entitled to a joint total of twenty-six weeks, rather than twenty-six weeks of leave each, to care for a covered servicemember with a serious injury or illness if each spouse is a parent, or next of kin of the servicemember, commonly referred to as "Military Caregiver Leave". This limitation also applies to a combination of military caregiver leave and leave for other qualifying reasons listed at the beginning of this section.

Health Insurance Coverage. The City will continue to provide health care coverage under the same provisions as prior to the leave. Where the employee fails to return from leave, the City can recover its share of premiums that have been paid on behalf of the employee to maintain health care coverage. If failure to return to work is due to the continuation, recurrence, or onset of a serious health condition beyond the employee's control, the employee will not be liable for the City's share of health care premiums paid while on Family and Medical Leave. In such cases, a Medical Certification may be required.

Other Benefits. Other benefits will not accrue during Family and Medical Leave if they would not have continued to accrue under other types of leave.

14.7 Military Leave

Leaves of absence shall be granted to the City employees whose United States uniformed services (military) obligations necessitate their absence from work. These leaves are applicable to all such obligations, including Reserve and National Guard assignments, and are governed pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

Eligibility. Any employee who leaves the City employment for military duty shall be placed on military leave without pay. If not accepted for such duty, the employee shall be reinstated in his present position without loss of status or reduction in pay.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service. Employees on military leave for up to thirty days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. If the period of service was 31 days or more, but less than 181 days, the employee must submit an application to the City no later than 14 days following completion of service. For service in the military for over 180 days, the employee must submit an application to the City not later than 90 days after completion of service.

Employees who are subject to multiple military duty assignments may, at their option, present leave notices covering all such obligations or individual leave notices.

Continuation of health insurance benefits will be as required by and in accordance with USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

14.8 Jury Duty and Other Civic Leave

The City encourages employees to fulfill their civic obligations. Employees shall be given necessary time off with pay:

- when performing jury duty;
- when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in the official capacity in connection with the City;
- when performing emergency civilian duty in connection with national defense; or
- for the purpose of voting, subject to the restrictions imposed by state law.

Notification. All employees shall notify their supervisor upon notification of jury duty, upon receiving a subpoena, or prior to the day of election to allow the City to cover the employee's duties in his or her absence. Employees must provide the City with a copy of their jury summons or subpoena.

In the event that an employee is selected to sit on the jury or testify as a witness, the employee shall promptly notify his or her supervisor or manager of the anticipated length of trial.

Voting Leave. Every employee, upon reasonable notice to his/her supervisor will be permitted to take necessary time off from work to vote in a municipal, county, state, or federal political party primary or election that the employee is qualified and registered to vote on the date that a primary or election is held when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work. The necessary time off must not exceed two hours.

The Supervisor/Manager may specify the hours during which the employee may vote such that the flow of the operation is not interrupted. Employees may be required to provide proof that they have participated in an election for which they have been provided leave time under this policy.

Compensation. Employees will receive their regular pay for time actually spent engaging in any of the four civic duties described above. Employees shall not be compensated for more than two hours for voting leave.

Any pay received for jury duty shall be reimbursed to the City. It is the employee's responsibility to provide the City with the proper jury pay documentation in a timely manner to ensure compensation.

If an employee is excused early from jury duty or testifying in court, he or she must report to work, provided two or more hours remain on the employee's regularly scheduled shift, in order to qualify for payment.

Personal Lawsuits not Related to City. An employee involved in a personal lawsuit, either as a plaintiff or as a defendant in an action not related to his or her duties with the City, may take leave without pay for up to fourteen days (14) in a calendar year unless he or she elects to utilize available vacation leave.

14.9 Other Leaves of Absence

Domestic Violence Leave. Under certain circumstances, victims of domestic violence may be entitled to unpaid leave. Employees in need of domestic violence leave should contact their supervisor or the Human Resource Director.

Professional Development Leave. Employees may be granted leave with pay to attend meetings, seminars, and conventions of professional and technical organizations when such attendance is related to the employee's work for the City and when such attendance is authorized by the City.

SECTION 15:

BENEFITS

This section generally describes and summarizes various benefits the City makes available to eligible employees. The City continually reviews its benefits programs. These summaries are not exhaustive or all-inclusive, and further information is available in the form of plan descriptions or insurance subscription agreements maintained by the City, which may be reviewed upon request. In the event the information included in this handbook is inconsistent with, or conflicts with, benefit plan documents, the latter documents are deemed controlling.

These descriptions are not intended to and do not create any express or implied contractual obligations or entitlements. The City reserves the right, at and within its sole discretion and where permitted by law, to unilaterally change, modify, amend, or discontinue any benefit.

15.1 Training/Probation Period

All employees are subject to a 3-month training/probation period. The employee's training period may be extended at the discretion of the City management. Employees eligible to receive vacation leave under the provisions of the Handbook shall be credited with vacation leave for each month of employment but shall not be permitted to use any vacation credit until they have completed their three-month training/probation period. Firefighters and Police Officers are subject to a one-year training/probation period.

15.2 Flexible Benefit Plan

Once each year all regular full-time employees will be given an opportunity to enroll or reject participation in a voluntary plan designed to save the employee taxes on all eligible deductions withheld from the employee's paycheck. This Tax Qualified 125 Plan allows the employee to pay eligible insurance premiums and any other eligible deductions by payroll deduction on a pretax basis.

15.3 Health Insurance Program

Each new employee of the City that regularly works twenty (20) hours or more in a standard workweek has the option to participate in the medical plan(s) on the first day of the first month following the beginning of employment with the City.

The City shall pay a portion of the full premium for individual medical and hospital insurance coverage as designated by the City Commission. Part time employees will receive a reduced premium benefit based on the amount of hours worked.

15.4 Workers' Compensation Insurance

The City provides workers' compensation benefits as required by law and at no cost to employees. This program covers on-the-job injuries to the extent required by law. Subject to applicable legal requirements, workers' compensation benefits begin after a short waiting period or immediately if the employee is hospitalized.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. Employees who sustain work-related injuries should notify the City within twenty-four hours of sustaining the injury. **All on-the-job injuries must be reported.** Failure to report these injuries to an immediate Supervisor, Manager or Human Resource Director in a timely manner may affect the employee's ability to receive workers' compensation benefits and shall subject the employee to discipline, up to and including termination.

Neither the City nor its insurance carrier will be liable for payment of workers' compensation benefits for injuries occurring during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

15.5 Social Security.

All City employees are covered by Social Security, which provides survivor, disability and old age benefits. Both the City and the employee are required to jointly fund this benefit. Rates for Social Security are determined by the federal government.

15.6 Unemployment Compensation

All employees may receive the benefits of the Kansas Employment Security Law, in accordance with such law and regulations. The cost of this benefit is paid by the employer.

15.7 COBRA – Insurance Continuation

The Consolidated Omnibus Budget Reduction Act ("COBRA") gives employees and their qualified beneficiaries the opportunity to continue, for a specific period of time, health insurance coverage under the City's group health plan when a qualifying event would otherwise result in loss of participation eligibility.

Under federal law, continuation coverage is dependent upon the employee or beneficiary paying the full cost of coverage at group rates plus an administration fee. The insurance provider will send each eligible employee with a written notice describing the continuation rights when they become eligible for continuation coverage. The notice contains important information about the employee's rights and obligations. For additional details, employees should consult the terms of the individual plan involved.

COBRA coverage is not automatic. Employees must respond to the appropriate COBRA notification letter or notify the Human Resource Director that coverage continuation is desired and must also submit all required paperwork within the required time limits specified in the written materials.

Contact the Human Resource Director for complete information and assistance.

15.8 Insurance Continuation for Retirees

K.S.A. 12-5040 (a) Each local government which provides an employer-sponsored group health care benefits plan for the employees of the local government shall make coverage under such group health care benefits program available to retired employees and their dependents, upon written application filed with the clerk or secretary thereof within 30 days following retirement of the employee, as provided by this section. Coverage under the employee group health care benefits plan may cease to be made available upon (1) the retired employee attaining age 65, (2) the retired employee failing to make required premium payments on a timely basis, or (3) the retired employee becoming covered or becoming eligible to be covered under a plan of another employer.

No employee shall be entitled to a cash payment of any kind from the City in lieu of medical and hospital insurance coverage.

The City offers to all full-time retiring employees the following retirement health insurance benefits if the following qualifications are met:

- The employee must retire with KPERS and/or KP&F benefits.
- The employee must have at least ten (10) years of service with the City and be employed by the City at retirement.
- The eligible employee must decide to participate in the group health plan upon retirement and membership must be continuous. (The retired employee cannot elect to terminate coverage and then reinstate.)
- The employer will provide 50% participation in the monthly group health coverage premium until the retiree becomes eligible for Medicare benefits for the employee only. If the employee keeps dependents on the coverage the employee must pay the full premium for the dependents.

The following exceptions shall apply:

- If the retired employee dies, the employer's participation in health benefits will cease and are not transferable to the surviving spouse.

- If the retired employee fails to make required premium payments on a timely basis, then coverage will terminate.
- If the retired employee becomes covered or is eligible to be covered under a health plan from another employer, then this policy shall terminate.

15.9 Kansas Public Employees Retirement System (KPERs).

All full-time employees, except police and fire personnel, are required become members of the KPERs. The retirement system provides retirement benefits that are prescribed by state statute and are in addition to Social Security benefits. Under current law, employees contribute a percent of their gross salary and the City contribution is based on a variable state prescribed formula. **Please visit www.kpers.org for information regarding retirement.**

15.10 Kansas Police and Firemen's Retirement System (KP&F).

All police and fire personnel are required, as a condition of employment, to become members of the KP&F retirement system. This system provides retirement and disability benefits as prescribed by state statute. Employees contribute a percent of their gross salary and that contribution is matched by a variable City contribution based on a state prescribed formula.

15.11 Deferred Compensation Plan.

All full-time employees shall be offered the opportunity to enter into a qualified 457 deferred compensation plan with the company of their choice in an amount of their choice. After an employee's first full year of service, the employee may participate with a minimum \$10 contribution per pay period and the City shall contribute \$20 per pay period toward the employee's contribution. **The City will not make any contribution for police and fire employees who participate in the plan.** If the employee leaves the employment of the City prior to retirement, the total amount of contribution remains the employee's property until retirement or an emergency arises under which the funds may be withdrawn (Resolution #022607).

15.12 Optional Group Term Life Insurance.

All eligible employees under KPERs and KP&F shall be offered term life insurance in the amount of their choice, with no cost to the City, through payroll deduction, and the City will remit payment to KPERs.

15.13 Other Optional Insurance Coverage.

Employees may enroll in other types of group insurance coverage approved in the City Benefit Plan document and offered by independent insurance agents. The City does not endorse any of these plans but does allow the premiums to be paid through a payroll deduction plan. All premiums for these types of coverage are paid by the employee. These types of insurance may include, but are not limited to, cancer, disability, income or supplemental health insurance coverage.

15.14 Wellness Program.

The City, in recognizing the benefits of having healthy employees on the job, shall pay a portion of the membership fees as designated by the City Commission for single coverage in an approved fitness program and encourages all full-time employees to participate in this City Wellness Program.

15.15 Employee Assistance Program

The City, recognizing the importance of mental health, will provide free initial access to an Employee Assistance Program (EAP) provided by a City approved program. This includes short-term counseling, support after a crisis, training and development, unlimited management and HR consultation, performance/life coaching, work/life resources, awareness/inspiration campaigns, financial and legal consultation, website and mobile app, and online self-management. Contact information for the City's EAP is found in the new employee packet or in the Human Resources Director's office.

SECTION 16: EMPLOYEE CONDUCT AND DISCIPLINE

16.1 Employee Conduct

City employees are required to conduct themselves in a professional and courteous manner, whether dealing with coworkers, supervisors, managers, customers, vendors, or the general public. As a representative of the City, an employee's conduct reflects directly on the City, and it is important that the City achieve and maintain a positive reputation in the community. Employees who fail to conduct themselves in accordance with the standards of conduct contained in this Handbook will be subject to immediate discipline.

It is impossible to identify all types of conduct that can subject employees to discipline; however, the list below identifies examples of such conduct. The list is not exhaustive and in no way limits the City's ability to take disciplinary action, up to and including suspension or termination, at the City's discretion.

The policy provided below does not change the fact that City employees are employees at-will, and either the City or an employee can terminate the employment relationship at any time, with or without cause or reason, and with or without advance notice.

16.2 Examples of Conduct that May Lead to Discipline, Including Termination

Commission of any one of the following acts may result in discipline and/or immediate termination of employment:

- Convicted of violating any City, state or federal law.
- Violating any policy or procedure contained in this Handbook or any other City policy or procedure manual.
- Violating any policy, procedure, or regulation required by state, federal, or any governmental agency or regulatory agency.
- Engaging in sexual harassment or discharging duties in a manner that results in discrimination to any person for any reason that is prohibited by this handbook, federal, state, or local law.
- Gives, attempts to give, or receives any monetary consideration or undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- Takes or offers to take from any person for the employee's personal use any fee, gift, or other thing or service of value, in the course of work or in

connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepts a bribe, gift, money, or other thing of service or value intended to perform or refrain from performing any official act; or engages in any act of extortion or other means of obtaining money or anything or service of value through the employee's position in the service of the City.

- Making, publishing, or distributing false, vicious, or malicious statements concerning any employee or City official.
- Disclosing confidential records or information, unless directed to do so by the Department Director or supervisor.
- Failing to follow prescribed safety procedures, including failure to report unsafe conditions, actions, or injuries to employees or customers.
- Failing to maintain a certification or license, including driver's license, when such certification or license is required as a condition of City employment.
- Displays inattention to duty or carelessness or is responsible for the destruction or loss of public property, supplies, equipment or funds.
- Displays incompetence, inefficiency, or neglect of duty in the performance of the position.
- Displays discourteous or disruptive conduct or other offensive behavior in public, to the public, or to employees and officers of the City.
- Abuses leave time or falsifies attendance records for oneself or another employee.
- Being excessively absent or tardy.
- Working overtime without prior authorization.
- Leaving an assigned work area or the workplace during working hours without approval or fails to report to work without supervisor approval.
- Engaging in immoral or indecent conduct or soliciting another person for such conduct.
- Induces or attempts to induce any officer or employee of the City to commit an unlawful act or to act in violation of any lawful official order or regulation.
- Possessing, selling, or being under the influence of alcohol and/or illegal drugs when reporting for work, on City property, or while on duty except

employees may possess and use controlled substances as prescribed by a physician.

- Engaging in insubordination, including improper conduct or abusive language toward a supervisor or refusal to perform tasks in a manner prescribed by a supervisor.
- Refusing to work any assigned hours, shifts, or overtime.
- Engaging in unprofessional conduct, such as fighting, gambling on City property, discourtesy, rudeness, intimidation or threats of any kind against other employees, vendors or the public while on duty, or using vulgar or profane language with any supervisor, manager, or another employee.
- Engaging in verbal or physical harassment, intimidation, or interference with the rights of any fellow employee or vendor.
- Conducting personal business while on duty. This shall include, but is not limited to, engaging in excessive personal calls, text messages, or e-mails.
- Failing to perform job assignments efficiently and satisfactorily.
- Falsifying or altering City records, including but not limited to, employment applications, employment information, time records, or timecards.
- Possessing or using any type of fireworks, explosives, or weapons on the premises or while performing City duties without prior City approval.
- Engaging in theft, attempted theft, or misappropriation of any funds or property of the City, whether or not it is for personal use or for sale or gift to others.
- Filing or pursuing any false claim, such as workers' compensation.
- Failing to fully cooperate with a City internal investigation, whether conducted by the City personnel or a third party at the City's request.
- Repeatedly failing to record time worked.
- Sleeping while on duty.
- Engaging in conduct having a significant adverse effect upon the operation or reputation of the City.

Furthermore, an employee charged with a criminal offense not related to his or her employment with the City may be suspended without pay pending a full criminal investigation. Following such investigation, the employee may be reinstated at the discretion of the City, without pay.

The City may, at its discretion, add or amend rules and regulations as deemed appropriate and necessary. It is each employee's responsibility to learn and adhere to all of the City's rules, regulations, policies, and principles of professional and personal conduct.

16.3 Authority to Discipline

The City Manager has the authority to discipline Department Directors, supervisory personnel, and all other personnel. Department Directors or supervisors are delegated the authority to discipline personnel pursuant to this policy.

16.4 Disciplinary Procedures and Terminations

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

The following forms of disciplinary action may be taken:

- **Verbal Warning.** A verbal warning is a verbal reprimand given to an employee by a supervisor or Department Director. A record of the warning shall be recorded in the employee's file.
- **Written Reprimand.** A written reprimand is a written notice to an employee from a supervisor or Department Director, a copy of which shall be recorded in the employee's file.
- **Training Period.** Training period is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on-the-job behavior. Failure to meet the training requirements may result in additional disciplinary actions.
- **Reduction in Pay.** A pay reduction is the temporary or permanent reduction of an employee's pay, while the employee continues his or her duties under the same job title.
- **Demotion.** A demotion is the placement of an employee into a position of a lower pay range.
- **Suspension.** A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- **Termination.** Termination is the removal of an employee from City employment.

The City may, in its sole discretion, take other more stringent disciplinary actions if it believes such action is appropriate and necessary. Under certain circumstances, the City Manager, Department Director or supervisor may determine the misconduct is so severe that immediate termination is warranted.

16.5 Investigations, Prosecution and Termination.

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

SECTION 17:

SEPARATION FROM EMPLOYMENT

17.1 Absent Without Leave.

Any employee who is absent without approved leave and who fails to return to duty within twenty-four (24) hours after having received notice to do so shall be deemed to have resigned the position voluntarily.

Absence without leave shall be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify an immediate superior of such absence no later than the day such absence begins.

17.2 Notice of Resignation or Retirement

If an employee wishes to resign or retire from their position with the City, they shall notify their supervisor of their intent to do so at least fourteen (14) calendar days in advance. Division and Department Directors shall provide four (4) weeks' notice. Notification of intent to resign or retire shall be written and provided to the Human Resource Director. A Department Director may approve the withdrawal of a resignation prior to its effective date, provided the employee is still working and an appointment has not been made to fill the anticipated vacancy.

Upon receipt of the notice of resignation, the Department Director and/or the City Manager may, at his or her discretion, accept the employee's resignation effective immediately. Failure to provide proper notice may result in the employee being prohibited from consideration for re-employment.

17.3 Reduction in Force or Work Hours.

Any employee may be laid off from work or have work hours reduced because of lack of work or funds. Whenever possible, at least two (2) weeks' notice or two (2) weeks' severance pay in lieu of the notice shall be given prior to layoff. In determining the order of layoff or work hours reduced, the following factors shall be taken into consideration:

- Needs of service.
- Length of service/seniority.
- Nature of work to be curtailed.
- In addition to the above factors, the advisability of demoting employees in higher classes to lower classes for which they are qualified and laying off those in lower classes may also be considered.

17.4 Retirement.

All eligible employees of the City shall be members of the Kansas Public Employees Retirement System and shall be subject to all laws and supplemental regulations governing such membership. All full-time employees of the Police and Fire Departments shall be members of the Kansas Police and Firemen's Retirement System and shall be subject to all laws and supplemental regulations governing such membership.

Employees who take an early retirement in accordance with the Kansas Public Employees Retirement System may seek reemployment with the City if said reemployment is permitted by law. Such reemployment shall be subject to the waiting period requirements for KPERS & KP&F retirees and approval by the City Manager.

17.5 Payment of Wages upon Termination

An employee who is involuntarily terminated by the City will receive his or her final paycheck on the first regularly scheduled payday following his or her termination or within two weeks, whichever is earlier.

17.6 Return of City Property upon Termination

Employees are responsible for the return of all City-owned equipment, motor vehicles, tools, supplies, material, keys, ID cards, credit cards and other items of value by the last day of employment. Employees shall be responsible for the replacement cost of any City property not returned following separation from employment with the City.

17.7 Exit Interviews

An Exit Interview form may be requested by the Human Resources Director near the end of the employee's employment to advise of benefit matters, to document the reason for a termination, and to assess the strengths and weaknesses of the City's policies and personnel.

17.8 Reinstatement.

An employee who has been terminated in good standing and who is reemployed within a period of 120 days may be reinstated at not higher than the pre-termination salary.

SECTION 18:

TRAVEL REIMBURSEMENT POLICY

18.1 Vehicles.

All travel with a City vehicle beyond Dickinson County must be pre-approved by the Department Director or City Manager. If a personal vehicle is used for approved travel, the City will reimburse for mileage at the current IRS rate. Mileage will be calculated using the default address to address route suggested by google maps at www.google.com. Additional transportation expenses including but not limited to rental cars, taxis, and mass transit when necessary are reimbursable. Mileage and expenses are payable upon return and by submitting in writing to Finance Director a claim including the addresses used to calculate miles, the reason for the trip, the dates of travel, receipts if applicable.

18.2. Conference, training, and lodging.

All approved conferences, trainings and lodging expenses are to be pre-paid by the City when possible. Employees may use personal means to pay for lodging and request reimbursement with a receipt upon return, or employees may use a City purchasing card. Reimbursement is payable by submitting in writing to Finance Director a claim including the addresses used to calculate miles, the reason for the trip, the dates of travel, receipts if applicable.

18.3 Meals.

The City will pay for meal expenses, including gratuity associated with authorized travel. For authorized travel to "High-Cost Areas," a reasonable amount for meals shall be considered as authorized by the department director or city manager. Meals should be purchased with a city purchase card whenever possible and a receipt will be turned in with your statement or per your department requirements.

The IRS requires employers to include fringe benefits in an employee's gross income reported on form W-2. Fringe benefits defined by the IRS include certain payments of meal allowances and other expenses incurred during non-overnight travel or subsistence payments exceeding IRS established maximum reimbursement rates. (Non-overnight travel is considered to be travel where no lodging expense is incurred.) These fringe benefits generally must be paid through the payroll process and are subject to withholding of applicable contributions and taxes. However, the IRS allows for infrequent meal money provided to an employee, to enable the employee to work overtime, to be considered a "de minimis" fringe benefit and be excluded from reportable income.

SECTION 19: FAIR LABOR STANDARDS ACT POLICY

The City is committed to complying with the Fair Labor Standards Act ("FLSA") as well as state wage and hour laws. Therefore, all employers are prohibited from making any improper deductions from the salaries of exempt employees.

If you believe that an improper deduction has been made from your salary or that you were not paid for overtime work performed, notify the Human Resource Director immediately. All reports of improper deductions from wages or an overtime denial will be promptly investigated. In the event that it is determined that an improper deduction has occurred, you will be promptly reimbursed.

Violations of this policy may subject you to discipline, up to and including termination of employment. Please direct all questions concerning this policy to the Human Resource Director.

As an employee of the City of Abilene you are responsible for knowledge of all content of the Fair Labors Standards Act and that failure to comply with this policy may result in disciplinary action, including the possibility of termination of employment. I understand that I have the right to file a complaint alleging an improper salary deduction or an overtime denial.



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/12/22

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Marcus Rothchild

AGENDA ITEM HEADING:

Annual GAAP waiver resolution.

BACKGROUND:

The City of Abilene elects to present financial statements and reports prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of the State of Kansas. To do so, each year the City Commission must waive the requirement to prepare financial statements and reports conforming with K.S.A. 75-1120a which requires municipalities to use generally accepted accounting principles (GAAP) in the preparation of their financial statements and reports. The governing body of any municipality may waive this statutory GAAP requirement.

FISCAL NOTE:

COMMISSION ACTION:

Consider approval of annual GAAP waiver resolution.

RESOLUTION NO. 121222-3

A RESOLUTION AUTHORIZING THE CITY OF ABILENE'S FINANCIAL STATEMENTS FOR FISCAL YEAR 2023 TO BE PREPARED IN COMPLIANCE WITH THE CASH BASIS AND BUDGETARY LAWS OF THE STATE OF KANSAS

WHEREAS, the city of Abilene, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2023, to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Abilene City Commissioners or the members of the general public of the City of Abilene, Kansas, and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A 75-1120a(a) for the year ended December 31, 2023.

NOW, THEREFORE BE IT RESOLVED, by the City Commissioners of the City of Abilene, Kansas in regular meeting duly assembled this 12th day of December 2022, that the City Commission of Abilene, Kansas, waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Abilene, Kansas, for the year ended December 31, 2023.

BE IT FURTHER RESOLVED that the City Commission of the City of Abilene, Kansas, shall cause the financial statements and financial reports of the City of Abilene, to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Passed this 12th day of December 2022.

(SEAL)

Dee Marshall
Mayor

ATTEST:

Shayla Mohr
City Clerk



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/5/22
12/12/22

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Shayla Mohr, City Clerk

AGENDA ITEM HEADING:

Approval of 2023 Cereal Malt Beverage License renewals

BACKGROUND:

All paperwork and payments have been received for the following Cereal Malt Beverage Licenses. All inspections have all been completed.

Abilene 24/7 – 2200 N. Buckeye – packaged sales
Casey's General Store – 201 S. Buckeye – packaged sales
Historic Abilene Inc. – Old Abilene Town – 201 SE 6th St. – on premise
Kwik Shop – 1401 N. Buckeye – packaged sales
Love's Travel Stops – 2322 Fair Rd. – packaged sales
Pizza Hut – 1703 N. Buckeye – on premise
Corner Stop – Cenex – 100 S. Buckeye – packaged sales
Liberty Cenex – 601 S. Buckeye – packaged sales
Snacks – 2000 N. Buckeye – packaged sales
Southside Bar – 210 W. First Street – on premise
Tossed N Sauced Pizza – 306 NW 3rd Street – on premise
West Stop – 420 N. Buckeye – packaged sales
West Stop West – 1324 NW 3rd Street – packaged sales
West's Plaza Country Mart – 1900 N. Buckeye – packaged sales
Zey's Market – 1020 W. First Street – packaged sales

At the time of sending out the agenda, Dollar General Store #22963, 409 N Buckeye and Family Dollar Store #32690 (both packaged sales) have not completed their paperwork. They may be added for approval if everything is received and completed by meeting time. If not, they will be on future agendas when paperwork is completed.

FISCAL NOTE:

COMMISSION ACTION:

Approve 2023 Cereal Malt Beverage License renewals.



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/05/2022

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

City Manager

AGENDA ITEM HEADING:

Appointments to the Sport Complex Task Force

BACKGROUND:

Per Resolution 111422-3, establishing the Sports Complex Task Force, the following individuals are put forth for appointment by the Governing Body to the Task Force:

Andrea Taylor
Angie Evans (Rec Commission Rep)
Ron Preston
Veronica Murray (School Board Rep)
Randy Gassman
Doug Smart (DKEDC Rep)
Tony Geiger
Michelle Stephens
Kellee Timbrook (City Rep)

This item will be part of the consent agenda at the December 12, 2022 meeting.

FISCAL CONSIDERATIONS:

None

RECOMMENDED COMMISSION ACTION:

Appoint the recommended individuals to the Sports Complex Task Force