



EMPLOYEE POLICY MANUAL

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100 - INTRODUCTION

Congratulations and welcome! We know that there are many things to deal with as you assume your new position at the City of Pittsburg. This handbook was designed to make the transition easier. The City's success in carrying out its mission is, in large part, dependent on the success of each of its employees. Individual skills, pride, and commitment to each employee's work help ensure the continued progress and strength of the City.

Much of the material in the Employee Handbook is summarized, excerpted, or paraphrased, so the handbook is a guide rather than a complete source of information on employment-related subjects. The Employee Handbook is accessible in electronic format through the Human Resources intranet web site, <http://citynet/>, and may be downloaded, stored, or printed as needed.

If there is a conflict between this handbook and Federal or State law, City ordinance, or The City of Pittsburg policy, federal and state laws will prevail. The City reserves the right to revise, modify, or repeal any statements included in this handbook and any of these policies or procedures through future actions. Information contained in this handbook is not intended to establish an employment contract of any kind. This handbook is not a legal document. This edition of the Employee Handbook supersedes previous editions.

Employees are expected to acquaint themselves fully with the contents of this Handbook in order to establish an understanding of the City personnel requirements which are established to:

- a. Promote and increase the efficiency and effectiveness of City service(s) without regard to an individual's race, color, national origin, age, religion, sex, veteran's status, or disability.
- b. Establish and maintain a uniform plan of performance evaluation and compensation based upon primary duties and responsibilities of each position.
- c. Establish and promote high morale among City employees by providing good working relationships and uniform personnel policies.

Under the City's form of government, all employees are under the jurisdiction of the City Manager and can be terminated by him or her at any time and for any reason. **All employees are at-will employees for the purposes of City employment.** Nothing stated in these policies and guidelines shall be interpreted to change an employee's "at-

will" status or give any employee an expressed or implied expectation of continued employment with the City.



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101 - APPLICATION OF POLICIES

The policies and guidelines contained in this handbook shall apply to all employees in the service of the City. Elected officials are not City employees.

The head of any City department/division may formulate in writing reasonable guidelines of the conduct of the operations of his/her department/division, such as those relating to safety or operational procedures, which shall be available to all departmental/divisional employees. Such department/division guidelines shall not be less stringent than, in violation of, or in conflict with any personnel guidelines approved by the City Manager.

No policy manual can cover every conceivable situation. The information, policies and procedures in this handbook are subject to change. Revisions may occur at any time, and may supersede, modify, or eliminate existing policies and procedures.



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102- ORIENTATION

During the first week of employment, the supervisor of a new employee will conduct an orientation of the employee on such matters as the City and the department's organization and function; the employee's role in helping to achieve the objectives of the City and the employee's department; the employee's job content; performance and evaluation standards; job safety and other departmental guidelines.

On the employee's first day of employment, the H.R. Department will provide additional orientation consisting of the completion of employment forms and records, an explanation of the City's compensation and benefit programs, recording of time worked, personnel policies, and any other information determined appropriate.



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103 - SERVING THE PUBLIC

The City is supported by members of the community and provides its people with essential services. The City's success in providing service to its citizens depends to a large extent on how City employees treat the public. Each individual plays an important role in building and maintaining good relations with the public. City employees are expected to treat every member of the public courteously in official correspondence, e-mails, telephone conversations, and personal interactions with them.



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104 - TEAMWORK AND COOPERATION

The City operates most effectively and is best able to carry out its responsibilities when employees and co-workers cooperate with each other and function as a team. Teamwork will help with performance and is one of the best ways of improving the department's efficiency and aid in accomplishing the City's goals.

Teamwork requires cooperation, and it means that each individual employee's contribution is important. Suggestions for improving working procedures or for carrying out particular responsibilities more efficiently can be discussed with co-workers and supervisors. While it may not be possible to implement every good idea or resolve every problem, more can be accomplished when each employee addresses problems with a spirit of good will and an understanding of the value of mutual collaboration.

An important contributing factor to the City's success is the way in which employees get along with each other. Attitudes toward work and toward co-workers can affect the employee's own productivity and that of the entire work unit.



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105 - FREEDOM OF INFORMATION

The City observes both the Freedom of Information Act and the Kansas Open Records Act (KORA), which allows for the full or partial disclosure of information and documents controlled by the City. The Acts define City records subject to disclosure, outline mandatory disclosure procedures and grant certain exemptions. The City Clerk acts as the Freedom of Information Officer.

Available through the Freedom of Information Act include:

- Ordinances
- Resolutions
- Minutes from open meetings
- Salaries of public officials
- Budgets

For a complete listing of exemptions, see K.S.A. 45-221. For more information regarding available records, contact the City Clerk.



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200 - CITY EMPLOYMENT

The employment relationship that exists between the City and its employees is one of employment at will. This means that employment with the City may be terminated at will, without cause, and with or without notice, and at any time by the City or the employee.

The employment policy handbook contains the employment policies and practices of the City in effect at the time of publication and supersedes all previously issued employment handbooks and policies. The City reserves the right to revise, modify, delete or add to any and all employment policies, procedures, work rules, or benefits stated in this handbook, **except**, for the policy of employment at will. The employment at will policy can only be changed in a signed writing, executed by the City Manager and the employee.

Nothing in the employment policy handbook, or any other such personnel document, including benefit statements, creates or is intended to create a promise or representation that employment will continue for a definite period of time for any employee or that employment will be terminated only under particular circumstances. The City reserves the right to terminate the employment relationship or change wages, benefits, job title, job duties, responsibilities, and other terms and conditions of employment with or without cause and with or without notice or prior consultation or agreement with any employee.



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201 - EQUAL OPPORTUNITY

The City is an equal opportunity employer and it is the policy of the City to make employment decisions on the basis of merit and to prohibit discrimination on the basis of race, color, sex, religion, age, natural origin, disability and any other consideration unlawful under federal, state or local laws. The City is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the City and prohibits unlawful discrimination by any employee, supervisor or department head of the City.

The City will make reasonable accommodation for the known disability of an otherwise qualified applicant or employee who can perform the essential function of the job with or without reasonable accommodation, unless undue hardship would result. Any person who requires accommodation in order to perform the essential functions of his or her job should contact the Human Resources Manager. The City will investigate and make reasonable accommodation, where required, that will not impose undue hardship.

If an employee believes that they have been subjected to unlawful discrimination, please contact the Human Resources Manager or the City Manager. The City will immediately undertake an effective, thorough and objective investigation. In the event the City determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to defer any future discrimination. The City will not retaliate against any employee for reporting discrimination and will not permit retaliation against employees by the supervisor, department head or co-workers.



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202 - RECRUITMENT

When a vacancy occurs, the appropriate department head will submit a Job Requisition to the Human Resources department for approval by the City Manager. Upon requisition approval, Human Resources will circulate open position announcements to department heads and city staff via email. Open position announcements will also be posted to the City's Intranet. Department heads are asked to post the announcement for notification to employees without email access. External notification of open position announcements will include the City's website and newspaper advertisements. Additional announcements may be submitted to appropriate agencies and organizations to help ensure equal access to job information for all area citizens. Advertising in professional publications and/or websites may also be utilized. Advertising will be initiated by Human Resources.

Open positions will be advertised with a closing date or deadline for application. Depending on the candidate pool, closing dates may be extended if necessary. Application review and interviews may take place during the open period; however, no conditional offers of employment will be extended until after the closing date. Applications received after the closing will not be guaranteed consideration for the open position.

When there are qualified internal applicants, the City Manager may authorize an internal search only. In this situation, no outside advertising will take place, and only current City employees will be eligible to apply for the open position.

Candidates for open positions must meet the minimum qualifications established for that position in accordance with the job description. Additional qualifications for employment in various job classifications may include job-related testing, education, certifications and/or training. Qualification for employment may be contingent upon review of minimum age, possession of or ability to obtain required valid driver's license, required certification(s), results of drug screen, assessment of physical condition related to position requirements, employment reference check, criminal background check and other tests specified for a particular position.

Relatives of City Commissioners cannot hold any position defined as City Manager, Department Head or City Clerk. Please refer to the definition of relative in policy number 209.



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203 - PRE-EMPLOYMENT

The City of Pittsburg is an Equal Opportunity Employer. City vacancies are posted on the City web site (<http://www.pittks.org>), internally and on local access television. When there are qualified internal applicants, the City Manager may authorize an internal search only. In this situation, no outside advertising will take place, and only current City employees will be eligible to apply for the open position. Applications are available on the website or at City Hall. If an applicant wishes to submit a resume with the application, they may do so and it will accompany the application.

If a Hiring Manager is approached directly by an individual regarding possible employment, they must be referred to Human Resources. Letting the HR Department handle all inquiries will alleviate any interruptions to the Hiring Manager's work schedule and help avoid legal problems that might result from inconsistent employment practices.

Applications will be reviewed by Human Resources staff. Each application is evaluated with regard to the current job posting, the job preference(s) listed on the application and the applicant's skills and work inventory. If an applicant meets the minimum or preferred qualifications for a position, the application will be sent to the department where the vacancy exists.

Hiring supervisors will also evaluate applications based on skills inventory, education and/or training relevant to the particular position, skills or experience, which, though not directly related to the available position, might transfer to accommodate training, prior job-related experience and job history. Based on the evaluation of applications, the hiring manager selects which applicant(s) he/she would like to interview.

Human Resources staff is available to assist hiring managers with scheduling interviews. Anyone involved in the interview process must be familiar with acceptable interviewing standards. Please review the attached Guidelines to Employment Interviews.

Questions regarding pay and benefits by an applicant must be referred to the Human Resources Department.

Once a candidate has been identified, Human Resources will conduct applicable background verifications, including but not limited to past work history and education.



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The City of Pittsburg Police Department performs more extensive background checks per regulatory guidelines.

Upon successful completion of applicable background verifications, Human Resources will extend a conditional offer of employment.

Once the conditional offer has been accepted Human Resources will arrange the remainder of the pre-employment process, including a criminal background screening. Successful completion of all required paperwork, including providing necessary documentation, and physical assessment is needed before the candidate will be allowed to start work.

Human Resources will notify the hiring supervisor when/if the applicant has accepted the conditional offer of employment and when/if the applicant completes the remainder of the pre-employment process.

In the event the negative references are received, Human Resources will make a recommendation not to hire. If the hiring supervisor still wishes to hire the applicant, approval from the City Manager will be required.

For those applicants not selected, applications/resumes will be kept on file for one year from the date and for the position the application was received.



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GUIDELINES TO PRE-EMPLOYMENT INTERVIEWS

The purpose of the personal interview is to give applicants, who are competing for a job, the opportunity to provide evidence of possessing the personal qualities, skills, and training necessary to perform the job under consideration. It is the interviewer's responsibility to conduct and direct the interview in a way that is legal, thorough, and consistent; and that accomplishes the overall goal of distinguishing clearly between applicants' job-related qualifications. Specific, job-related, probing questions should be asked to compare the applicant against predetermined, job-related criteria.

Before conducting an interview, write down 6-10 short questions that cannot be answered yes or no. Ask yourself if the question(s) could antagonize or alienate an applicant. Does it ask any illegal questions? Is there any aspect of the question that is not job related?

Interviewers should ask the same basic questions of each applicant throughout the interview process. However, in recognition of the reality that each applicant will vary in the degree of background, training, experience, and other qualifying characteristics, the interviewer may pursue more difficult questions to enhance the ability to distinguish between competitors as long as all questions remain **job related**.

Everyone involved in the interview process should receive a copy of these guidelines.

Also, any notes taken during the interview by any interviewer must be forwarded to Human Resources for retention purposes.

Please remember that federal and state laws prohibit employers from discriminating on the basis of the following protected categories:

- Sex/Gender
- Race/Color
- National Origin/Ethnic Origin
- Religion
- Age
- Disability
- Military Status
- Union Affiliation



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Laws also prohibit any harassment regarding the above categories and also prohibits retaliation for an individual exercising his/her legal rights.

DO NOT ASK QUESTIONS ABOUT....

- Age
- Sex/Gender or Sexual Orientation/Preference
- Race/Nationality/Citizenship
- Languages the Applicant Speaks
- Parent's Name
- Current, Past or Future Marital Status of The Applicant
- Number of Children
- Future Plans to have Children
- Child Care Arrangements
- Pregnancy
- Name of Clergy or Religious Affiliation
- Physical Disabilities (Past or Present)
- Arrest Record
- Applicant's Ability to Work with Men or Women
- Tolerance for Swearing or Joking
- Spouse Permitting Traveling
- If the Applicant Is Supplementing the Household Income
- Origin of the Applicant's Name/National or Ethnic Origin
- Height, Weight, Health (Past or Present)
- Housing and/or Ownership of Assets
- Military Status (Past or Present)
- Worker's Compensation (Past or Present)
- Union Affiliation or Level of Interest

YOU MAY ASK QUESTIONS SUCH AS....

- HOW LONG HAVE YOU LIVED IN THIS CITY OR STATE?
- DO YOU HAVE ANY SOCIAL, FAMILY, OR ECONOMIC COMMITMENTS OR RESPONSIBILITIES THAT WOULD PREVENT YOU FROM PERFORMING THE NORMAL AND ROUTINE DUTIES OF THIS JOB?
- CAN YOU PERFORM THE ESSENTIAL JOB FUNCTIONS OF THE JOB?
- WHAT PROFESSIONAL ORGANIZATIONS DO YOU BELONG TO THAT RELATE TO THIS SPECIFIC JOB?



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- HOW DID YOU FIND OUT ABOUT THIS OPENING?
- IS THERE ANY ASPECT OF THIS JOB WHICH YOU FEEL YOU MIGHT HAVE DIFFICULTY WITH?
- WHAT SPECIFIC ACADEMIC, VOCATIONAL, TECHNICAL, OR PROFESSIONAL EDUCATION HAVE YOU HAD WHICH RELATES TO THIS JOB?
- WHAT PREVIOUS JOBS HAVE YOU HAD WHICH YOU FEEL HAVE PREPARED YOU FOR THIS SPECIFIC JOB?
- WHAT TALENTS OR SKILLS DO YOU HAVE WHICH YOU FEEL WOULD RELATE TO THIS SPECIFIC JOB?

During the interview also remember the following:

DO NOT extend any offer of employment or give any indication that an offer will be made.

Reason: Only the Human Resources Department is authorized to offer employment. Until the pre-employment process is complete, we do not know if we will hire an applicant – the applicant may consider certain responses from the interviewer as a verbal contract of hire placing the organization in a vulnerable position.

DO NOT tell an applicant you will recommend them for hire.

Reason: Again, the applicant considers this a pretty good guarantee they have a job – this could be considered a verbal contract and is unfair to the applicant.

DO NOT give the applicant the impression it is their choice whether or not to work for our organization example “Call us back and let us know if you’re still interested”.

Reason: It is unfair to the applicant, because once again, they feel they have a guarantee of a job and may make personal decisions in light of this belief.

DO NOT tell the applicant we are checking references.

Reason: If an applicant believes we are checking references and we do not hire him/her, the conclusion – right or wrong – is he/she got bad references.



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This may cause problems for previous employers and a reluctance to provide future references.

DO NOT tell the applicant when he/she will begin working.

Reason: If the applicant makes it through the first part of the pre-employment process and accepts a conditional job offer, the applicant must still complete and pass the remaining parts of the process. Telling the applicant when he/she will begin work may make the applicant feel that he/she has a guaranteed position with the organization and may be considered a verbal contract. Human Resources will contact the applicant and the appropriate supervisors if and when the applicant will begin work.

At the conclusion of the interview **YOU MAY:**

Advise the applicant that a decision regarding employment selection will be made after all interviews are completed. This lets the applicant know there are other interviews and he/she DOES NOT have the job yet.

Advise the applicant that his/her application is under consideration, but a decision has not been made. So, if you are interested in this applicant, but you have more interviews or references are being checked, this lets the applicant know he/she is still "in the running" for the position, but makes no commitment.

Advise the applicant that a representative from the Human Resources Office will contact him/her when a decision has been made. This lets the applicant know the procedure the City of Pittsburg follows in the employment process.

Thank the applicant for his/her time and advise that if he/she has any questions, he/she should contact the Human Resources Office. This leaves a positive impression with the applicant, relieves you from work interruptions, and lets him/her know the proper procedure for inquiries regarding the status of his/her application.



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204 - AGE REQUIREMENTS

The minimum age for employment in most City positions is sixteen years. However, applicants younger than sixteen with a valid work permit may be employed. When school is not in session, a work permit is not required. No one under the age of sixteen may work more than six days in any week, more than 40 hours in any week, more than ten hours in a twenty four hour period or before 6:00 a.m. or after 11:00 p.m.

Employees who hold hazardous jobs must be eighteen years of age or older.

Police personnel must be age twenty one or older.

There is no maximum age for employment and no mandatory retirement age.



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205 - ELIGIBILITY OF EMPLOYMENT

Employers are required by federal law to verify that employees are authorized to work in the United States, using the Employment Eligibility Verification Form (Form I-9). Identification must be presented within three (3) days of employment.

The Kansas Constitution protects against discrimination in employment because of membership or non-membership in a labor union. Specifically, the constitution provides that:

“No person shall be denied employment because of membership or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union; nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment. “



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206 - EMPLOYMENT CATEGORIES AND POSITION CLASSIFICATION

The City of Pittsburg recognizes the following employment categories in accordance with the Fair Labor Standards Act (FLSA):

Non-Exempt employees are employees whose work is covered by the Fair Labor Standards Act. They are **NOT** exempt from the law's requirements concerning minimum wage, compensatory time and overtime.

Exempt employees are generally managers, professional, administrative, or technical employees who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs which meet the standards and criteria established under the FLSA by the US Department of Labor.

In addition, the City of Pittsburg has established the following categories for both non-exempt and exempt employees:

Regular, full-time – Employees who are not in a temporary status and who are regularly scheduled to work 40 hours in a work week. They are eligible for the full benefit package, subject to the terms, conditions and limitations of each benefit program.

Full-time Fire – Employees average fifty-six (56) hours of work per week. Fire department employees receive overtime for hours over 106 in a 14 day period. Fire department employees do not receive compensatory time benefits.

Regular, part-time – Employees who are not in a temporary status and who are regularly scheduled to work less than 40 hours per week. Regular, part-time employees are eligible for some of the benefits offered by the City subject to the terms, conditions, and limitations of each benefit program.

Temporary, full-time – Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work 40 hours a week for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.



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Temporary, part-time - Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work less than 40 hours in a week. Employment beyond any initially stated period does not in any way imply a change in employment status.

Temporary, Aquatic Center – Employees hired as part of the seasonal Aquatic Center workforce are exempt from overtime per Section 13(a)(3) of FLSA for recreational establishments.

POSITION CLASSIFICATIONS

Each City position shall, on the basis of the duties, responsibilities, skills, experience, education and training required on the position, be allocated to an appropriate job classification. Each job classification shall have a descriptive title, a description of the essential and marginal job functions of the position, a description of job duties, and a statement of the qualifications for filling such the position. Job descriptions shall be approved by the City Manager and kept on file in the Human Resources department and shall be open to inspection by any interested party during regular office hours.

The Governing Body has adopted a grade pay plan, with minimum and maximum amounts of pay for each class of positions assigned to a particular grade. The pay ranges assigned to each class of positions shall be periodically reviewed, revised, and approved by the Governing Body.

It is the responsibility of each department head to make recommendations and requests for all organization changes, which will significantly alter or affect changes in existing classifications or proposed classifications, to the City Manager.



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207 - COMPENSATION

Positions with similar types and levels of duties and which require similar knowledge, abilities, skills, education, and experience are grouped into classifications and assigned a pay grade. The minimum and maximum for each pay grade are set by the Governing Body. The wages of each employee of the City shall, at least annually, be set at an amount within the pay range of the classification grade to which each employee is assigned. Recommendation for wage increases shall be made by the Department Head to the City Manager. Such recommendations will be reviewed by the City Manager with the Department Head and the Manager of the H.R. Department. Final approval for minimum and maximum salaries within the identified classifications shall be approved by the Governing Body.

Pay increases are not routine or automatic and are subject to approval by the City Manager. A Department Head may award an increase to an employee submitted by the employee's immediate supervisor with City Manager approval.



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208 - RESIDENCY REQUIREMENTS

Under the provisions of Pittsburg City Ordinance, the City Manager is required to reside within the city limits. Department Heads shall reside within an area of the county, bounded by an eight linear mile radius from the intersection of Fourth Street and Broadway Street in the City; provided, however, that if such radius line intersects the boundaries of an incorporated City, then the radius shall exclude the entire boundary of such City.

A newly hired City Manager or Department Head may be granted sixty (60) calendar days to establish residency. If the employee has made a good faith effort to meet residency requirements, but special circumstances warrant a request for extension of time, the City Manager will review such requests on a case-by-case basis. If an employee fails to meet the City's residency requirement, disciplinary action, up to and including termination, may result.

Employees are responsible for notifying the H. R. Department for any change in address.



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209 - NEPOTISM

In order to avoid favoritism or the appearance of favoritism based on family relationships, no one shall be considered for regular full-time or part-time employment in a department where the supervisor or department head is a relative. The term "relative" is defined to include an employee's parent, stepparent, spouse, child, sibling, grandparent, grandchild, mother or father-in-law and brothers or sisters-in-law. The term "related person" is defined to mean mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepparent, stepchild, step-brother, step-sister, adopted child, foster child and foster parent.

Employment of relatives in the same department or division of the City is allowed only when one will not supervise or have control over personnel decisions affecting the other. To avoid possible conflict of interest, relatives must not participate, either formally or informally, in decisions to hire, retain, promote, or determine the salaries of each other. Due to the temporary status of the appointment, if a regular City employee is asked to serve in an interim position, this provision will be waived until a search has been conducted and the position is filled.

If two employees within the same department marry or otherwise obtain a relationship whereby they become related or a relative, one of the employees may be transferred to another department, if possible, without loss of pay or other benefits.



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210 - HOURS OF WORK

All City offices are open for business between 8:00 a.m. and 5:00 p.m., Monday through Friday. However, department administrators may establish other working hours, so long as all full-time employees work at least a forty-hour work week. However, Firefighters work in 24 hour shifts and are on a 14 day work cycle. Most City offices do not close for lunch, so flexing of schedules may be required. An employee's supervisor will inform employees about normal work hours for the department and their individual positions.

Work schedules (beginning work time, ending work time and specified days of work) will be established for each employee by supervisory personnel who may change such schedules based on the needs and requirements of each Department.

Time worked includes all time that an employee is required to be physically at work; therefore, employees are not permitted to start work prior to their scheduled start time or work after the established schedule for that employee without prior supervisor approval.



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211 - RECORD OF TIME WORKED

All employees are required to maintain a daily record of all time worked for the City. Employee supervisors will provide time sheets and explain how to complete and submit work records. Intentional falsification of time worked records may constitute grounds for dismissal. It is each employee's responsibility to complete time sheets and submit them to his or her supervisor prior to 9:00 a.m. Monday of the scheduled pay week. Failure to turn time sheets in on time may result in delay of pay until the next scheduled pay day. Supervisors must submit time sheets to Payroll by 12:00 noon on the same Monday.



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212 - PROMOTION, DEMOTION, RECLASSIFICATION AND TRANSFER

In an effort to offer employees opportunity for development and career advancement and to provide managers with qualified internal applicants, employees may be considered for internal transfers and promotions.

External recruiting may occur simultaneously to the internal posting to expedite the process as business needs require.

To be considered as an internal applicant, employees must be a regular full-time or part time employee with at least three (3) months of service, have acceptable performance (not on a corrective action plan) and must meet the minimum qualifications as outlined in the position posting.

The Department Heads and/or Human Resources will determine the qualified internal candidate(s). Simply meeting minimum requirements does not necessarily guarantee an interview. In addition, the City reserves the right to grant individual exceptions based on documented business needs. When an internal promotion or transfer exists, the Releasing Manager should understand and encourage the employee's career goals, assist in defining career objectives and encourage employees to pursue career development. The Releasing Manager and Department Head should negotiate the employee's transfer date. The Department Head should review the need to fill the vacant position, and if needed, generate a Personnel Requisition.

PROMOTIONS

Employees may be promoted, by the City Manager, to another position within their department or other departments within the City which are classified at a higher grade, if the employee meets the minimum qualifications for that position.

DEMOTIONS AND TRANSFERS

Employees may be demoted, by the department head, to another position in the employee's department which is classified at a lower grade.

The employee's position may be reclassified if the responsibilities have changed significantly. If the new reclassification is at a lower grade, the reclassification of the position will be a demotion. Employees may apply for a position in a different department



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of the City which is classified at a lower grade. If the employee is the selected candidate for the open position, the transfer to that position will be considered a demotion.

An employee's rate of pay resulting from a demotion or transfer may be determined by the City Manager taking into consideration length of employment, knowledge, skills, and ability and budget implications.



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213 - REHIRES

If a former employee is rehired by the City, their eligibility for benefits will be determined by the re-hire date unless otherwise mandated by law. Depending on the amount of time that has elapsed between employment with the City, or other extenuating circumstances, the City Manager may approve, on a limited basis, alternative benefits on a case by case basis.



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214 - PERSONNEL RECORDS

Employees have the right to examine and copy the information contained in their own personnel file. Official personnel records for all employees are maintained in Human Resources, where employees may view their own file at any time during regular business hours. The employee's department may also maintain personnel records. If so, employees have the right to also view that file.

Each employee is responsible for notifying Human Resources immediately of any changes such as name, address, contact information, marital status, or change in dependents.

Personnel records may also be viewed by City officials who have a legitimate need to review them, such as the employee's supervisor, prospective supervisor if the employee has applied for a promotion or transfer, persons involved in the investigation or settlement of a formal grievance or complaint filed by an employee, and attorneys and others who are investigating state workers' compensation claims.

A signed release must be submitted to Human Resources before others are allowed to inspect or copy files, the following types of information will be removed: social security and income tax information, medical and insurance information, information about retirement annuities, information about family and marital and parental status, unlisted telephone numbers and addresses not intended for publication. Evaluation or job performance records, including performance evaluations, are disclosed only if there has been a final administrative resolution of a suspension or termination proceeding at which the records formed the basis for the suspension or termination, and there is a compelling need for the information to be released.

Within twenty-four hours of receiving a request for inspection of personnel records, the City must determine whether the records are subject to disclosure and notify the employee of the request and the determination.

In the event of a law enforcement or agency investigation in which employee's personnel records are relevant, they may be made available to the City's attorneys and others involved in the investigation or litigation. Employee records may also be made available in response to a lawfully issued subpoena or court order.



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215 - PERFORMANCE EVALUATIONS

Employee performance evaluations will be considered in determining pay adjustments, as a factor in promotions, and as a factor in determining the order of layoffs.

An evaluation of the performance of each full-time employee based on his or her duties and responsibilities shall be prepared by the employee's Department Head or designee each year. The evaluation shall be in writing on forms approved by the City Manager. Employees, whose performance requires improvement, will be notified and placed on a plan for improvement. Failure to make significant improvement will subject the employee to disciplinary action up to and including termination. The employee will be allowed an opportunity to respond to his or her performance evaluation.



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216 - WORK REFERENCES

The City of Pittsburg will release without written permission the following information for a current or former employee;

1. Date and duration of employment
2. Job title and duties

Employees receiving requests for information on current or previous employees should forward all requests to Human Resources. Prior to releasing information other than dates of service and position held, a consent form must be signed and dated and will be considered valid for a reasonable amount of time (not to exceed a one month period) for the purpose described on the consent form.



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Effective Date: 12/22/2009
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300 - COMPENSATION PHILOSOPHY

The City of Pittsburg recognizes that competitive compensation is the cornerstone for recruiting, retaining, and motivating the type of employees needed to fulfill the City's goals. The City's compensation philosophy is to pay all categories of employees at competitive levels established by the external labor markets; considering both salary and benefits as a total compensation package.

The compensation system must meet the following objectives:

- Establish pay levels for positions on the basis of their external competitiveness with relevant labor markets and their relative internal value;
- Regularly reward employees on the basis of work performance;
- Administer pay equitably and consistently;
- Establish compensation policy that is consistent with the judicious expenditure of funds entrusted by the citizens of Pittsburg.
- Maximize the effectiveness of compensation funding based on recruiting and retention;

Methodology

External markets define pay levels and may vary according to where, and with whom, the City competes for qualified employees in particular job categories. In some cases the local labor market is considered and for other positions, regional or national markets must be targeted. Regular assessments of these labor market salaries are prepared to measure the City's competitiveness using benchmark job classifications.

Internal job value relationships are also factored into the setting of compensation rates. These considerations may include reporting relationships within departments and to other departments having similar jobs. Although basic salary rates or ranges for similar positions are established on a system wide basis, the individual effectiveness of employees will have a direct relationship to their respective rates of pay, including performance, educational achievement and career competencies.

Salary increases are recognized through a variety of mechanisms that offer maximum opportunity to enhance their total compensation. Within annual budgetary considerations, allocations for salary increases may include any or all of the following: market adjustments, general increases, promotion and equity increases.

The wages of each employee of the City shall, at least annually, be set at an amount within the pay range of the classification grade to which each employee is assigned.



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Recommendation for wage increase shall be made by the Department Head to the City Manager. Such recommendations will be reviewed by the City Manager with the Department Head and the Manager of the H.R. Department. Final approval for minimum and maximum salaries within the identified classifications shall be approved by the Governing Body.

Pay increases are not routine or automatic and are subject to approval by the City Manager. Subject to the approval of the City Manager, a department head may award an increase to an employee submitted by the employee's immediate supervisor.



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Effective Date: 12/22/2009
Revision Date: 03/23/2010

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301 - PAYROLL PROCEDURES FOR ISSUING PAY

All employees are paid on a bi-weekly basis. For employee's security and convenience, direct deposit is the standard method by which the City pays employees. Pay may be deposited into several separate accounts. The accounts can be at the same financial institution or at different ones. Forms to request direct deposit are available from payroll, Human Resources or on the City intranet at <http://cityweb>

For computation of payroll, a work week shall consist of all hours within a seven day work week, commencing at 12:01 a.m. Sunday and ending at midnight the following Saturday night for all employees except Firefighters. Firefighters work a fourteen (14) day cycle. In the event a scheduled shift encompasses two pay periods, the shift will be applied to the pay period in which the shift begins.



Section Number: III
Effective Date: 12/22/2009, 9/9/2012
Revision Date: 9/9/2012, 3/23/2010

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302 - OVERTIME AND COMPENSATORY TIME

Overtime

With the exception of firefighters, Aquatic Center employees and employees with exempt status, compensation for overtime hours will be paid at the rate of 1 ½ times the employee's regular rate of pay for all regular hours worked in excess of forty (40) hours per work week. A work week is Sunday through Saturday.

The Fair Labor Standards Act (FLSA) authorizes that employees engaged in fire protection may be paid overtime on a "work period" basis. The City of Pittsburg has determined a "work period" to be 14 consecutive days in length. Fire protection non-exempt employees are due overtime under such a plan after working 106 regular hours during a 14-day period.

Overtime is calculated on actual hours worked not hours paid. Holidays, vacation leave, sick leave, compensatory time used, or other paid absences are not considered time worked for calculating overtime within a scheduled work period for non-exempt employees.

All overtime work must have prior authorization by the employee's department head or supervisor. Failure to gain prior approval for overtime may result in disciplinary action for violation of personnel and departmental policies if a pattern of abuse develops.

Overtime compensation will be paid the payday following the pay period in which it was earned.

Compensatory Time

The Fair Labor Standards Act (FLSA) allows public employers to pay nonexempt employees for overtime worked in the form of compensatory time off. An employee may be given compensatory time off ("comp time") in lieu of cash payments for the overtime worked. The City allows employees to receive compensatory time rather than be paid overtime as long as compensatory time does not exceed limits set by the individual employee's department. Any comp time off shall be at the rate of 1 ½ times the hours of overtime worked. Comp time hours can only be used once in the employee's comp leave bank.

Upon separation of employment, any compensatory time not used will be paid to the employee on their final pay check.



Section Number: III
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Revision Date: 9/9/2012, 3/23/2010

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Emergency Response Call Back

Non-exempt employees will be granted a minimum of two hours call back compensation when responding to an emergency situation. All Emergency Response Call Back time will be paid at one and one half the employee's regular rate of pay. Management should carefully weigh the costs and benefits of alternatives before authorizing emergency response call back pay. Reasonableness and fairness shall be exercised in administering this policy.

Emergency Response Call Back is when an employee has left the work site at the end of his/her regularly scheduled work shift or is called in prior to the start of his/her regularly scheduled work shift and is required to return to the worksite due to an emergency situation as defined herein. If an employee is called in prior to the start of his/her regular shift, the employee will receive call back pay until the start time of the regular shift.

Emergency Response Call Back requires an employee to respond on short notice to an emergency situation at work for any of the following reasons:

- Avoid significant service disruption
- Avoid placing employees or the public in unsafe situations
- Protect and/or provide emergency services to citizens, property or equipment
- Respond to emergencies with employees or residents in the case of severe weather.
- Any other situation approved **in advance** by the City Manager or his/her designee.

Any hours worked related to the enactment of the Winter Storm Response Plan will not be eligible for Emergency Call Back, due to the potential change in an employee's schedule associated with the Winter Storm Plan.

Employees are expected to report to work when called back for emergency response situations. An employee is expected to perform necessary work duties in a safe and competent manner without risk to employees, citizens, equipment or operation.



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303 - FLEX TIME

Employee(s) and supervisor(s) may agree to a time schedule that differs from the regular daily schedule. However, the needs of the department and city are first priority. The schedule must not create overtime work or cause undue hardship for the department. Flex time arrangements of an on-going nature must be in writing and forwarded to Human Resources.



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304 - GARNISHMENTS AND SALARY LIENS

The City is required by law to comply with certain court orders of garnishment. Income withholding orders resulting from claims for unpaid taxes, bankruptcy claims, and child support orders must also be honored. When applicable, administrative fees may be collected.



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305 - SALARY OVERPAYMENTS, CORRECTIONS & OTHER ADJUSTMENTS

It is the employee's responsibility to notify Human Resources and the Department Head immediately of any salary payment errors, including overpayments.

It is the policy of the City of Pittsburg that an individual may not profit from an error in payment to an employee. The City will pursue collection of all salary overpayments from former employees in the same manner as it pursues other debts to the City. Salary overpayments that are not repaid immediately will be referred to the Finance Director for collection.

If a salary overpayment occurs during continuous employment by the City, the overpayment will be deducted from the next regular paycheck. If the re-payment creates a hardship, other mutually agreeable arrangements may be made with the Finance Director.

Any other outstanding debts or unreturned clothing and equipment owed to the City by the employee will be deducted from the employee's paycheck or other forms of payment due the employee, (e.g. payment for accrued leave at the time of termination).

Any underpayments or inaccurate deductions will be adjusted in the next regular payroll cycle after the City has been notified.



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306 - PAYROLL DEDUCTIONS

The City is required by law to withhold part of an employee's pay each month for Federal and State income taxes and for Social Security and Medicare taxes. Firefighters and Police employees are not subject to social security withholding. Employees may request in writing that amounts be withheld from their check for other purposes, including retirement contributions; group life, medical, dental, flexible spending account payments; United Way, etc. Employees requesting voluntary deductions should contact Human Resources to complete the appropriate form(s).



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307 - TERMINATION PAY

When an employee leaves City employment, the amount due from unused accrued vacation, holiday and compensatory time will be paid as a lump sum. Any unpaid debts to the City at the time of termination will be withheld from the final paycheck. In the event the employee's final pay does not cover the outstanding debt, the City may refer the debt to a collection agency. Any costs incurred by the City to collect the unpaid debt will be added to the value of the debt being recovered.



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400 - USE OF CITY NAME AND LOGO

Prior written consent is required from the City Manager's Office for any use of the City's logo other than for official City business. It is important to the City that the use of the name "City of Pittsburg" be limited to activities which are in fact activities of the City. The following broad clarifications are applicable to most uses of the name of the City:

1. The City recognizes that employee's contributions involve a variety of regular duties over and beyond the regular work day. As members of the larger community, they have the rights and obligations of any citizen. When they speak or write as citizens, they are free from City censorship or discipline, but their special position in the community may impose special obligations. They measure the urgency of their obligations to the community in the light of their responsibilities to the City. They remember that the public may judge their profession and the City by their actions and utterances. Therefore, they are at all times accurate, exercise appropriate restraint, and show respect for the opinions of others. When they speak or act as private persons, they make every effort to indicate that they are not representing the City or speaking in an official capacity
2. **Sponsorship of Activities:** When the name of the City is used in connection with seminars, institutes, conferences, workshops, short courses, and other such activities, the City must in fact be a sponsor, cooperating through a departmental unit.
3. **Public Statements:** The City Manager or designee is responsible for official statements affecting the City.

For guidelines on the use of the City logo and seal, the printing of City stationery, and the identification of City publications, contact the City Manager's office. Employees may not use City of Pittsburg stationery to supply a letter of recommendation for a current or former employee without the City Manager's approval.



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401 - TRAVEL POLICY

PURPOSE. To provide consistent travel and reimbursement rules. It is the intent of this policy to assure fair and equitable treatment to all employees traveling on City business at City expense.

DEFINITION. For this policy, the definition of out-of-town travel shall be trips outside the City limits of Pittsburg for official City business purposes.

REQUEST FOR TRAVEL APPROVAL FORM. A request for travel approval form (exhibit A) shall be filled out in advance with detailed estimates of the cost, to include if applicable, mileage, meals, lodging, registration or conference fees, turnpike fees, vehicle rental fees, and airline tickets. No expense for reimbursement for out-of town travel will be paid to the employee without proper travel authorization unless the travel type is an exception. Approval must be authorized prior to the commencement of work related out-of-town travel. Department Heads shall require City Manager approval and all other employees shall require Department Head approval.

EXCEPTIONS TO TRAVEL APPROVAL FORM. Emergency response vehicles responding to an emergency, police vehicles transporting prisoners to and from jail, police officers testifying at trials, public utility vehicles responding to City utility repairs, public utility vehicles used in the reading of utility meters and out-of-town travel made to pick up supplies or parts. If any of these exceptions require overnight stay it shall no longer be considered an exception and must follow the approval process above.

SUMMARY OF TRAVEL EXPENSE FORM. A summary of travel expense form (exhibit B) shall be completed and submitted to the Finance Department within five business days of the employee's return from authorized out-of-town travel. ***All travel receipts must be itemized with details of the purchase and or service.*** No expense reimbursement for out-of town travel will be paid to the employee without a properly completed summary of travel expense form unless the travel type is an exception.

ALLOWABLE TRAVEL EXPENSES. Items that are allowable travel expenses shall include mileage, cost of fuel, parking fees, meals, tips, lodging, registration or conference fees, turnpike fees, vehicle rental fees, and airline tickets.

TRAVEL EXPENSES NOT PAID OR REIMBURSED BY THE CITY. The following items are not-allowable to be paid or reimbursed by the City: beer and alcoholic beverages, snacks, beverages not associated with meals, laundry services, Wi-Fi connections, personal phone calls, in-room movies that are either charged to the room or otherwise



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incurred. These types of expenses if incurred by an employee shall be at the employee's personal expense.

REIMBURSEMENT. The City will reimburse employees for allowable travel expenses incurred by the employee while traveling on official City business and that were paid for from the employees personal funds. Itemized receipts with details of the purchase and or service are required for reimbursement and accountability in all cases. Under rare circumstances a lost receipt can be substituted with approval by the City Manager or Department Head if the employee makes a satisfactory written explanation. Any reimbursement due to the City must be paid within five business days of the employee's return from an authorized out-of-town trip.

USE OF CITY VEHICLES. The City provides vehicles to certain employees to perform their daily functions and these vehicles shall be used for travel when necessary. For City employees not furnished vehicles, the City has a fleet vehicle available which will be used unless unavailable.

USE OF PERSONAL VEHICLE. If an employee uses their personal vehicle, the City will reimburse the employee at the State of Kansas approved mileage rate to the meeting site and back using the best route possible. A MapQuest or Google Maps distance printout will be required for travel mileage unless mileage chart (exhibit C) is used. The travel mileage reimbursement shall be for mileage related only to City business. The estimated round trip mileage shall be stated on the request for travel approval form and the actual mileage shall be stated on the summary of travel expense form.

NON-EMPLOYEE EXPENSES. In a situation where a City employee may travel to a conference or meeting with their spouse and/or family member, the City will not pay for travel, meals, snacks, movie rentals, personal phone calls, entertainment, alcoholic beverages or other incidental expenses for the employee's spouse and/or family member.

MEAL ALLOWANCE RATE. The maximum meal allowance rates for out-of-town travel are as follows:

Area	Breakfast	Lunch	Dinner
In-state/border state	\$10	\$10	\$20
Out-of-state high cost	\$15	\$20	\$40



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The total allowed meal expense per day for in-state/border state shall not exceed \$40; the total allowed meal expense per day for out-of-state high cost shall not exceed \$75. Example destinations of out-of-state high cost are Boston, Chicago, Dallas, Los Angeles, New York and Washington DC. Tips shall not exceed 20% of a meal receipt and should be based accordingly upon the service received. The original detailed itemized receipt from the eating establishment must be part of the documentation submitted with the summary of travel expense form. Single day trips shall only be eligible for one City paid meal. The City Manager and the Assistant City Manager shall have discretion under certain executive business related activities to spend above the per day threshold.

MEAL ALLOWANCE WHEN NO OVERNIGHT STAY IS REQUIRED. The City Manager or Department Head may authorize reimbursement to employees for one meal per day under the following circumstances when overnight stay is not required: (1) the employee is required to travel on official City business and the employee's workday, including travel time, is eleven or more hours; (2) the employee is required to attend a conference and a meal is served during the attendance time; (3) during periods of emergency response or emergency utility repairs where employees are unable to leave the work site.

LODGING. Lodging expense is limited to the lodging establishment's lowest available rate for normal single occupancy on the day (or days) the lodging expense is incurred. The official receipt from the lodging establishment must be part of the documentation submitted with the summary of travel expense form.

ACCOUNTABILITY. The requirement of the Travel Request Approval Form and the Summary of Travel Expense Form are as follows:

- (1) Documentation for the purpose and expenditures for out-of town travel.
- (2) Documentation of authorization for out-of-town travel.
- (3) Documentation of authorization for the use of City vehicles.
- (4) Auditing purposes.

OTHER PROVISIONS:

- Employees driving on behalf of the City must possess a valid driver's license.



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- The expenditure of City funds for alcoholic beverages shall be prohibited.
- Any employee utilizing their personal vehicle will maintain liability insurance.
- Loss damage coverage or supplemental liability coverage should not be purchased when using a rental vehicle for City business.
- In the event an employee travels out-of-state on a scheduled airline, the air travel must be the most economical available.
- If an hourly employee is required to attend an out-of-town meeting or conference, the travel time from the employee's normal place of work to and from the destination is counted as "hours worked". Department heads and supervisors may use flexible time schedules throughout the week in which an employee travels in order to eliminate the need to pay overtime.
- All traffic offenses, parking tickets, towing expense for being illegally parked and other vehicular violations are the responsibility of the employee and will not be paid by the City.
- Employees are expected to use discretion in the use of City owned vehicles at all times including out-of-town travel.
- Employees should refrain from any activities which, if disclosed to the public, would tend to compromise trust in the integrity, honesty, and efficiency of the City.

Failure to comply with the City's Travel Policy may result in disciplinary action up to and including termination. Any dispute regarding an employee's reimbursement for travel expenses may be reviewed with the City Manager. The dispute must be in writing and produced within five business days of receiving reimbursement. The City Manager's decision shall be final and not subject to appeal.



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EXHIBIT A

REQUEST FOR TRAVEL APPROVAL FORM

Employee Name(s) _____

Destination _____

Description of Travel _____

Dates: From _____ To _____

Estimated Round Trip Mileage if Using Personal Vehicle

Rate:	Mileage:
-------	----------

	Estimated Charges to Purchasing Card	Advance Payment for Registration	Estimated Cash Outlay	Total
Fuel / Mileage Expense				
Meals Expense				
Tips Expense				
Lodging Expense				
Registration Expense				
Turnpike Fees Expense				
Other _____				
Other _____				
Total				

GL Expense Account

Submitted By _____ Date _____
 Employee

Approved By _____ Date _____
 City Manager or Department Head as required

Audited By _____ Date _____
 Finance Department

I hereby understand that any reimbursement due to the City must be paid by me within five business days after return from travel.



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EXHIBIT B

SUMMARY OF TRAVEL EXPENSE FORM

Employee Name(s) _____

Destination _____

Description of Travel _____

Dates: From _____ To _____

Actual Round Trip Mileage if Using Personal Vehicle

Rate:	Mileage:
-------	----------

	Actual Charges to Purchasing Card	Advance Payment for Registration	Actual Cash Outlay	Total
Fuel / Mileage Expense				
Meals Expense				
Tips Expense				
Lodging Expense				
Registration Expense				
Turnpike Fees Expense				
Other _____				
Other _____				
Total				

GL Expense Account

Submitted By _____ Date _____

Employee

Approved By _____ Date _____

City Manager or Department Head as required

Audited By _____ Date _____

Finance Department

I hereby understand that any reimbursement due to the City must be paid by me within five business days after return from travel.



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EXHIBIT C

**Mileage Chart
from
Pittsburg**

Pittsburg	Kansas	Pittsburg	Missouri	Pittsburg	Oklahoma
50	Altamont	24	Carl Junction	43	Miami
158	Arkansas City	40	Carthage	128	Tulsa
9	Arma	30	Joplin	233	Oklahoma City
30	Baxter Springs	130	Kansas City		
64	Chanute	30	Lamar		
48	Cherryvale	47	Nevada		
78	Coffeyville	90	Springfield		
23	Columbus	330	St Louis		
148	Emporia	31	Webb City		
40	Erie				
94	Fredonia				
30	Ft Scott				
27	Galena				
15	Girard				
20	Greenbush				
218	Hutchinson				
68	Independence				
68	Iola				
220	Junction City				
134	Lawrence				
142	Leavenworth				
113	Lenexa				
215	Manhattan				
182	Newton				
110	Olathe				
40	Oswego				
110	Ottawa				
115	Overland Park				
32	Parsons				
242	Salina				
165	Topeka				
160	Wichita				
87	Yates Center				



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402 - CELLULAR PHONE USAGE

This policy outlines the use of personal cell phones at work, including special issues related to camera phones, the personal use of business cell phones and the safe use of cell phones by employees while driving.

1. Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Excessive personal calls and texting during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard is to limit personal calls and texting during work hours. Employees are therefore asked to make personal calls on non-work time and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. The City will not be liable for the loss of personal cellular phones brought into the workplace.

2. Personal Use of City-Provided Cellular Phones

Where job or City needs demand immediate access to an employee the City may issue a City-owned cell phone to an employee for work-related communications.

Personal use of City cell phones that does not conflict with City use is permitted, but should be limited in both occurrence and duration and is not an entitlement. Any costs incurred by the City for personal, non-business-related use of City-provided cell phones must be reimbursed by the employee on a regular basis and credited to the specific cost center to which the original expense was charged. Phone logs will be audited monthly by Department Heads to ensure no unauthorized use has occurred. Failure to reimburse the City for the cost of the call will result in tax liability for the employee as well as possible disciplinary action.

Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.



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3. Safety Issues for Cellular Phone Use

The City encourages employees whose job responsibilities include driving to use a hands free speaking device or lawfully park while driving and using the phone. The City prohibits texting and e-mailing while operating a motor vehicle.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all fines and penalties that result from such actions. Violations of this policy will be subject to the highest forms of discipline, including termination.

4. Special Responsibilities for Managerial Staff

As with any policy, management employees are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.



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403 - COMPUTER, INTERNET AND E-MAIL

Computing resources are provided to enhance productivity, service and the activities which support them. When an employee uses City computing resources or is granted the use of a computing account, they are expected to use their assigned access, accounts, and resources responsibly and for the intended administrative purposes. Employees may not use their account for personal gain. Solicitation for outside business ventures, personal parties, or religious causes, not connected to the City's business are prohibited.

The use of computing and network resources should always be legal and ethical, reflect honesty, and show restraint in the consumption of shared resources. The City prohibits any use that violates policy, including harassing or illegal messages, demeaning insulting, defaming, intimidating, or sexually suggestive messages. Additionally, foul, inappropriate, or offensive messages, such as racial, sexual, or religious slurs are prohibited.

Employees should demonstrate respect for intellectual property, ownership of data, system security mechanisms, the right to personal privacy, and the right of individuals to freedom from intimidation and harassment. Employees must adhere to copyright and licensing agreements and should become familiar with those for each specific product before using it.

The City of Pittsburg owns computer accounts; but grants use of them to City employees. Electronic files, including e-mail files of City employees are potentially subject to public inspection and copying under the Kansas Open Records Act, which states that all records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. Confidential information placed in computers must be protected appropriately. Employees, who have access to privileged or sensitive information, have an obligation to keep it confidential. Retention of files timelines can be obtained from the Information Systems Manager.

The IS department will automatically archive individual employee's deleted e-mail for thirty days, after which time the e-mail will be permanently deleted. Mailboxes are backed up daily to a magnetic tape and are rotated on a two week rotation cycle.

Employees should not give their password to any unauthorized user and should take advantage of system-provided protection measures to prevent unauthorized use of or

access to the employee account, their computer, and its network. If an employee ceases to be employed by the City, is assigned new responsibilities, or takes a new position, account and access authorization will be reviewed and appropriate necessary changes



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will be made. Employees may not use facilities, accounts, access codes, privileges, or information which they are not authorized to use.

The City has an obligation to prevent “pirated” software from being used on our system; therefore the Information Systems Manager has been authorized to scan hard disks from time to time to see what programs are loaded. Scanning is also used to audit the versions of authorized software that are being used so upgrades can be ordered properly.

Employees must not attempt to access, copy, or destroy programs or files that belong to the City, nor use City computing resources for unauthorized monitoring of electronic communications. Employees must not create, run, install, or knowingly distribute a computer virus, Trojan Horse, or other surreptitiously destructive program, e-mail, or data via any City computer or network facility, regardless of whether it results in demonstrable harm. City computers must not be used to annoy, harass, threaten, intimidate, terrify or offend another person, disrupt or damage another person's work, or invade another's privacy. Sending electronic chain letters, spamming, spoofing, and engaging in resource-intensive activities unrelated to City functions are also prohibited. Violation of this policy may result in revocation or suspension of access privileges, in disciplinary action, or legal sanctions.

Employees are directed to contact the Information Systems manager *prior* to downloading any file from Internet or other sources. Internet access is a privilege extended by the City of Pittsburg which may be withdrawn at any time.

The City Manager may authorize a department head to access the system through the Information Systems Manager in order to retrieve a file.



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404 - USE OF CITY PROPERTY AND FACILITIES

Employees may use City equipment and supplies only for work-related purposes. City computers, telephones, long-distance authorization codes, fax machines, cell phones, photocopying machines, vehicles, machinery, tools, disposable supplies, and other equipment and materials may not be used for personal activities. City equipment may not be discarded, but must be disposed of in accordance with established procedures. City bulletin boards, except for designated ones may not be used for private or commercial activities. The internal mail service may be used only for City purposes. Unauthorized or personal use of equipment or supplies may be grounds for dismissal.

An emergency or other unforeseen and extraordinary situation that requires employees to use a long distance authorization code, photo copy or other service for personal purposes, should make reimbursement promptly to the City, credited to the specific cost center to which the original charge was made.

When City facilities are not required for regularly-planned business and programs, they may be made available for extracurricular use. It is an objective of the City to provide opportunities to the community. It must be made clear that the City neither supports nor opposes the views stated by or the candidacy and or actions of such individuals.

Reservation and scheduling information for the use of City buildings and facilities is available from the City Manager's Office.

While visitors are welcome, employees should not have children, other family members, or friends as a regular presence in the workplace. Exceptions may be made in response to special circumstances for short periods of time and must be approved by the supervisor.



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405 - NEGLECT AND MISUSE OF CITY PROPERTY

It is the intent of the City of Pittsburg to ensure that all property maintained by the City is kept in the best possible working condition and to ensure proper utilization. Property shall be defined as any piece of equipment, furnishings, vehicle, building or supply leased, owned, donated or otherwise in the custodial care of the City or any person acting as its agent.

It is the responsibility of each employee to maintain his/her work environment in an orderly fashion and follow all City guidelines to ensure its proper use and maintenance. Should any employee have knowledge of any misuse, he/she must notify his/her supervisor immediately.

Any employee found to neglect or misuse City property will be subject to disciplinary procedures up to and including termination. If the negligence is determined to be gross, the City will expect remuneration for part or all of the replacement cost.

Misappropriation of City property is grounds for immediate termination and possible criminal prosecution.



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406 - CITY VEHICLES

Where driving is an essential job duty, the employee must possess a valid driver's license appropriate for the type of vehicle(s) being driven. In addition, they must be authorized, approved and/or certified to drive any vehicle necessary to perform the essential functions of the position.

It is the responsibility of the driver to ensure the vehicle is in full operating condition before each use. Any vehicle found to be unsafe should be reported to their supervisor.

Take home vehicles will be assigned to employees who meet the following conditions:

1. Employees that are subject to regular after-hours callouts for emergencies, with preference given to management and supervisory personnel.
2. Callout work must involve need for rapid response to protect life and property.
3. Temporary assignment of vehicles may be made for seasonal work, emergency situations, or anticipated after hours work.
4. Employees taking vehicles home must live within a 6 mile radius of the City limits.



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407 - PERSONAL PROTECTIVE EQUIPMENT

The Occupational Safety and Health Administration (OSHA) requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels. The City will provide appropriate PPE to protect its employees. Some jobs require specific PPE.

PPE supplies will vary from department to department. Below lists the PPE required for general tasks:

- Face masks will be maintained on all emergency response vehicles. Face masks will be used in situation where splash contact with the face is possible.
- Appropriate eye and face protection will be worn when the employee is exposed to eye or face hazards from flying particles/objects, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors or potentially injurious light radiation. (29 CFR Part 1910.133 eye and face protection)
- Ear plugs will be worn when continuous loud noise is prevalent. Refer to the table in 29 CFR Part 1926.52 Occupational noise exposure for acceptable levels of noise. If there is a question as to if protective hearing should be worn, please contact the supervisor, Safety Coordinator or Human Resources.
- Disposable latex gloves will be required when cleaning up liquids. Do not reuse latex gloves. Dispose of gloves properly.
- Work gloves, either cloth or leather, are to be worn when working in extreme heat or cold, around electricity, open flames and collecting refuse. Not every job requires gloves and depending on the task could be a hazard, such as working around machinery. Supervisors will provide guidance on work gloves.
- Hard hats will be worn when "there is a possible danger of head injury from impact, or from falling or flying objects or from electrical shock and burns." (29CFR Part 1926.100 head protection)
- Safety vests will be worn by street and utility crews and anyone working in or next to a roadway to notify approaching vehicles and pedestrians. Vests should also be worn when working around moving equipment, such as backhoes, in an



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effort to provide visibility to those operating the equipment. When wearing safety vests, ensure that it fits snug to the body.

- Respirators or Emergency Breathing Apparatus will be worn when required and must be approved by OSHA and NIOSH.
- Seat belts will be worn at all times when an employee is operating or riding in City vehicles or in personal vehicles on official City business.

Additional occupational personal protective equipment specific to public safety employees is issued to the Fire and Police Department employees as needed or required.

In the performance of construction activities the following PPE will be required:

- High-Visibility Safety Apparel = safety vest
- Head Protection = Type I hard hat
- Safety toe footwear
- Eye and Face Protection = safety glasses
- Work gloves – worn in extreme heat/cold situations.

OSHA defines construction work or activities as “construction, alteration and/or repair, including painting and decorating”. The Department of Labor further defines construction work or activity as “The terms ‘building’ and ‘work’ generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include, without limitation, buildings, structures and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, excavating...”

It is the responsibility of the supervisor and employees to ensure that PPE is used correctly and properly maintained. Failure to comply with the provisions outlined in the policy will result in disciplinary actions including and up to separation of employment.



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500 - WORK BREAKS

Although not required, City employees may be given work breaks (rest periods) when the work schedule permits. In conjunction with recommendations by supervisors, each department head will approve the availability, time, length, and location of breaks for his or her employees. Departmental directives for break time and locations will consider the nature of the work or services to be performed by the employees in each Department.

Employees will be granted one unpaid lunch break per work day. The time and length of the daily lunch break for each employee will be recommended by supervisor to the department head. Departmental schedules will take into consideration the nature of the work or services to be performed and desired staffing levels for employees in each department. Some exceptions to this policy exist for police officers, firefighters, and some employees working in 24 hour shift departments.



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501 - HOLIDAYS

All full time employees, with the exception of firefighters, will receive eight (8) hours of holiday leave pay for each recognized holiday. Holiday leave is paid at an employee's regular rate of pay. The City recognizes the following official holidays:

- New Year's Day
- Martin Luther King Jr. Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Day

Floating Holiday

The City Manager may designate an additional or floating holiday.

Firefighters are awarded 11.25 hours for this additional day; however they must be employed on the designated floating day in order to receive compensation for the floating holiday.

When a holiday occurs on a weekend, the City Manager will determine if the holiday will be observed on the preceding Friday or Monday following the holiday.

If an employee works on the recognized holiday, the employee will be paid at their regular rate of pay for the holiday.

Fire Department

Firefighters receive six (6) holiday leave days for the calendar year.

Newly employed firefighters will have their holiday leave days pro-rated according to the number of months remaining in the calendar year from his/her date of hire.

Firefighters separating from employment with the City will have their holiday leave days pro-rated according to the number of months the employee worked during the calendar year. If an employee has taken more holiday hours than they have earned, the hours taken in excess will be deducted from the employee's final check.

For purposes of pro-rating, one holiday is earned every two months.



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Holiday leave hours do not count as hours worked for purposes of calculating overtime for non- exempt employees. *Please refer to policy number 302 Overtime, Compensatory Time and Emergency Call Back.*



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502 - VACATION

Vacation benefits begin accruing on the hire date. Vacation is cumulative and is added to the employee's vacation balance as it is earned; however, maximum allowable accumulation limits exist.

Employees cannot use vacation time until it has been credited to their vacation leave account. Employees continue to earn vacation at their normal earning rate when they are on leave with pay. Vacation accrual is pro-rated during a month in which an employee is on leave without pay for ten or more days.

Employees may request vacation at any time. Requests may be made in writing, in advance and must be approved by the employee's supervisor. Supervisors may require that employees take vacation at those times when it will be most convenient for and least disruptive to the department. If an employee exhausts their earned vacation, compensatory time may be taken. However, employees cannot use sick leave for vacation purposes.

Vacation accrual at termination of employment with the City for any reason, will be paid as a lump sum payment. Vacation is credited at the end of every payroll cycle. The employee's last month of vacation accrual will be pro-rated based on the actual termination date.

If a full time employee drops down to part time status, all unused accrued vacation will be paid in a lump sum at that time.

From the beginning of	Through the end of	Pay Period	Annually	Maximum
1st year	6th year	3.38 Hours	88 Hours	220 Hours
7th year	14th year	5.23 Hours	136 Hours	340 Hours
15+		7.23 Hours	188 Hours	470 Hours

Fire Department

From the beginning of	Through the end of	Pay Period	Annually	Maximum
1st year	6th year	4.62 Hours	120 Hours	312 Hours
7th year	14th year	7.38 Hours	192Hours	480 Hours
15+		10.15 Hours	264 Hours	660 Hours



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503 - HEALTH INSURANCE

The City provides a self-insured medical plan which is administered by a third-party administrator. The plan year is from January 1 to December 31.

In order to be eligible for health insurance an employee must meet one of the following criteria:

- Classified as a regular full time, exempt or non-exempt as noted in policy # 206 Employment Categories and Position Classification
- Classified as a full time fire employee as noted in policy #206
- Hold a City Legal Officer position (City Attorney, Legal Advisor/Municipal Court Prosecutor, or Municipal Court Judge)
- Eligible retirees up to age 65 or Medicare eligibility
- Eligible disabled employees

Regular part time employees may become eligible depending on the average hours worked during the standard measurement period as established by the Patient Protection and Affordable Care Act. **Hours worked typically needs to be consistently averaging 30 or more per week.** Continuation of eligibility is also dependent upon the average numbers of hours worked.

Newly hired or benefit eligible employees have thirty (30) days from the date of hire or effective date of benefit eligibility to make any health insurance coverage elections.

Employees who have health insurance coverage and either separate from employment or move into a non-benefit eligible status will be covered until the end of the month that that change occurs.

Benefit eligible employees may make changes to their health insurance coverage if there is a qualifying status change, such as marriage, divorce or birth of a child. Employees need to contact Human Resources within thirty (30) days from the date of the event if they wish to make changes to their coverage.

Changes to health coverage can also be made during annual open enrollment and are effective with the beginning of the next plan year.



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The City pays a portion of the monthly premium costs, and the employee's contribution of the premium will be obtained through a payroll deduction. The employee premium is deducted on a pre-tax basis for 24 pay periods and coverage runs concurrent with premium payments (so March deductions pay for March's coverage).

Contact Human Resources for specific details of the City's health insurance plan, including eligibility criteria, enrollment forms, plan benefits and exclusions, premiums, and lists of participating physicians, hospitals, and other health care providers.

The City of Pittsburg reserves the right to change or cancel coverage; however, when changes are made, employees will be informed whether through a posting of notices and/or a distribution of information by the City and/or the third party administrator.



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504 - HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT

As the plan sponsor of a group health plan, the City of Pittsburg has a responsibility to comply with the Health Insurance Portability and Accountability Act (HIPAA).

The City has an obligation to protect an employee's identifiable health information. Individually identifiable health information is considered private health information (PHI). PHI that is transmitted by electronic media, or transmitted or maintained in any other form or medium is information that is a subset of health information, including demographic information collected from an individual, and:

- Is created or received from a health care provider, health plan, employer or health care clearinghouse.
- Relates to the past, present or future physical or mental health or condition of an individual, the provision of health care to an individual or the past, present or future payment for the provision of health care to an individual; and which identifies the individual; and with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

The Human Resources Manager will act as Privacy Official as required. The group health plan will disclose PHI to the City only on receipt of a certification by the City that the plan document has been amended and identifies who will receive the PHI, and the reason for its receipt.

PHI can be used, without specific authorization from employees, for treatment, payment, and health care operations (referred to as TPO). Payment includes the functions of paying claims, providing reimbursement and conducting the other functions associated with payment. Health care operations include the services or activities necessary to carry out the functions of the covered entity, such as quality assessment, auditing, underwriting or premium rating, etc. HIPPA requires that privacy notice inform employees of how their PHI can be used, and educates them regarding their rights concerning their PHI. It also informs them of the individual or the office to whom they can take complaints of a privacy violation.

Complaint Resolution

Progressive discipline will be administered for privacy violations. The complaint process will be as follows:



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Employees may report allegations of PHI violations to the Human Resources Manager. They may discuss with the Human Resources Manager any situation which they believe may constitute a violation of HIPAA. The Human Resources Manager must investigate every allegation, including informal and third party reports. The investigation shall be appropriate to the complaint, taking into consideration its seriousness, the extent to which it is or can be substantiated, and the nature of resolution desired by the complainant. The investigation must be initiated within five working days after the complaint is made.

Upon receiving a complaint, the HR Manager will interview the complainant to compile as much specific information as possible, including the nature of each incident, the time, place, and actual or potential witnesses, and other pertinent facts or allegations.

The HR Manager will explain the City's obligation to investigate and take appropriate corrective action. The HR Manager will present options for resolution of the complaint, including actions which the complainant can take.

The HR Manager will meet with the person accused of violating policy and present the allegations and attempt to resolve the issues. If resolution cannot be reached, a formal grievance can be initiated as outlined in the Employee Handbook.

Human Resources will maintain a record of complaints and resolutions with a brief explanation. No retaliation for filing a complaint, supporting a complainant or participating in any way in investigation/resolution of the complaint will be tolerated. In addition Human Resources will document all actions relevant to HIPAA compliance and maintain them for the six-year record retention period.

If an employee asks the benefits administrator to assist with a claim and the benefits administrator needs to get PHI from the insurer to intercede, HIPAA will require a signed authorization from the enrollee. An authorization must state the purposes for which access to PHI is to be granted. It must specify a date certain on which it will terminate.

Items such as pre-employment physicals, fitness for duty exams or drug screenings, are considered part of the employee's personnel file and not considered PHI. Requests under the Family and Medical Leave Act and the Americans with Disabilities Act, and the data supporting these requests which comes from the employees' physicians is not considered PHI and will not become so unless it is co-mingled with material from the group health plan.



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505 - CONTINUATION OF BENEFITS

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for continuation of benefits for eligible employees if employment with the City is terminated for any reason other than as a result of gross misconduct. Employees may continue coverage, at their own expense, for up to eighteen months or until covered by another plan, whichever comes first, under the provisions of COBRA. Covered dependents may also be eligible for COBRA coverage under certain circumstances. Detailed information about the specific provisions of COBRA coverage is available from Human Resources.



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506 - SICK LEAVE POOL

Purpose - To help fellow employees, who are pool members, by furnishing a continuing income to those members who are faced with a personal major illness or accident and have used all of their individual sick, vacation, compensatory time, and holiday leave. A personal major illness or accident is defined as a serious, extreme, or life-threatening illness, injury, impairment, or mental condition that has caused, or is likely to cause, the employee to take leave without pay. This Pool is only for personal illness of the employee, or the employee's immediate family member, as defined under 'Sick Leave' in the City's Employee Handbook. The Pool is designed to bridge time between expiration of sick leave, vacation, compensatory time, and holiday pay and coverage by long term disability insurance. The Employee Advisory Council will be responsible for the administration of the Sick Leave Pool.

Membership - All full-time City personnel may join the Sick Leave Pool upon meeting the following requirements. Membership in the Pool is optional and is not a mandatory condition of employment. Sick leave days are the only contribution required by the employee.

1. All employees desiring membership will be required to sign a form stating they wish to join the Pool. Withdrawal of membership from the Pool will require a 30-day notice, in writing, filed with the HR department.
2. All new employees may join upon employment and for up to a period of one year from initial employment date. These employees are considered members of the pool when they have accrued and donated two (2) days of sick leave to the pool.
3. Employees with over one year of service may make application to join the pool and will be members of the pool when they have donated two (2) days of sick leave to the pool. Should an employee join after one year's employment he or she will be eligible to apply for use of sick leave pool days after they have been members for at least twelve months?
4. In the event the pool drops below 400 days, the Employee Advisory Council will assess each member additional days to donate to the pool until the pool again has a minimum of 400 days. If an assessment is required and the employee does not have the assessed hours available at the time of assessment, the City will take the assessment as soon as the employee has obtained the required assessed hours.
5. MEMBERS OF THE POOL WILL FORFEIT ALL RIGHTS TO DAYS THEY DONATED; DONATED DAYS BELONG EXCLUSIVELY TO THE POOL.



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6. Employees will abide by the decision of the Employee Advisory Council, whose decision will be final.

Former Members/Termination of Employment - Former members of the Pool or former employees retains no rights or interests in the Pool following their withdrawal from the pool or termination of employment with the City.

Termination of the Pool - If it is ever decided that the Pool should cease to exist, donations to the Pool will be stopped. The Employee Advisory Council will continue to approve employee requests until all donated days have been used. At that time, the Pool will cease to exist.

Eligibility - An employee who joined the pool and made all required contributions to the pool, will be eligible to make application to the pool, for emergency situations provided the employee has used all of their sick leave, vacation, compensatory time, and holidays. Leave may be granted on the Employee Advisory Council's approval, provided the eligible employee has met all other qualifications as outlined in this policy.

Employees who join within their first year of employment and have made the initial contribution will be eligible to make application for withdrawal of sick leave days from the pool.

Employees who joined after their first year of employment cannot apply for a withdrawal of sick leave days from the pool until after they have achieved one year eligibility in the pool.

Procedure to Use the Pool

An eligible employee who is a pool member may request days from the pool, however, the minimum request will be no more than is required to complete the normal amount of shifts an employee would have worked in one pay period. Employees may also request an advance of sick leave see Policy 602. Employees who desire sick leave for periods less than one pay period are not eligible to apply for the Sick Leave Pool.

Eligible employees shall submit a written letter to HR, requesting approval of days from the pool with the following information: name, letter from their doctor specifying the nature of the illness of the employee or immediate family member, and the earliest date the doctor plans to release the employee to return to work. The employee must sign a HIPAA release of information to be attached with the request. This release can be obtained through HR



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1. When a properly documented request is received, the Human Resources Manager will contact the other members of the Employee Advisory Council to convene a meeting regarding the employee's request, within five working days of receipt of the request, or sooner depending on the urgency of the request.
2. An employee who has received an advance in sick leave from the City Manager and subsequently requires additional leave immediately following an approved advance may apply to the Sick Leave Pool. The documentation in the request must be as outlined above. The Employee Advisory Council may, at its discretion, based on the circumstances of the employee, elect to grant sick leave days previously advanced by the City Manager as Sick Leave Pool days, in addition to those currently being requested. The advanced sick leave days will not have to be repaid by the employee in this situation.
3. The Employee Advisory Council may require additional information from the requesting employee during the employee's use of the Pool days. Failure to provide such information in a timely manner will result in revocation of any future use of previously approved Pool days and termination of the employee from the Sick Leave Pool.
4. Should an employee's condition make it impossible for them to submit an application to the Sick Leave Pool in writing, then a family member, friend or co-worker may make the application on their behalf.

Employee Advisory Council Responsibilities - The Employee Advisory Council will be responsible for reviewing the applications for use of Sick Leave Pool days, determining the completion and credibility of the applications, requesting any additional information from the employee, and making a determination whether to award Sick Leave Pool days to the employee. The members of the Employee Advisory Council will maintain the employee's right to privacy. The Employee Advisory Council has the sole discretion to award any, all, or none of the days requested to be drawn from the Pool. Any appeals of a request are to be made to the Employee Advisory Council.

Voting - Members of the Employee Advisory Council will vote on an employee request for approval of days from the Pool. There must be a quorum of at least two-thirds (2/3) of the Employee Advisory Council members to vote on a request. The requesting employee's Department Head may also be present. Votes will be cast by secret ballot. A request must have a two-thirds (2/3) or greater majority of votes to pass.



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The Employee Advisory Council will consider all circumstances of eligible applicants that may not be specifically outlined in this policy on an individual basis. After consideration, all decisions will be final.

MEMBERSHIP IN THE POOL DOES NOT AUTOMATICALLY GUARANTEE THE RIGHT TO USE DAYS. IT IS THE RESPONSIBILITY OF THE EMPLOYEE ADVISORY COUNCIL TO MAKE SURE THAT THE POOL IS NOT ABUSED.



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507 - SECTION 125 FLEXIBLE SPENDING ACCOUNTS

The City offers flexible spending accounts, under a Section 125 cafeteria plan, which allows employees to use pre-tax dollars to pay for un-reimbursed medical expenses and care for dependents. Each year, employees may designate a portion of their salary which will be placed in an individualized account before federal, state, and social security taxes are deducted. Employees are then reimbursed from their account(s) for eligible health or dependent care expenses. The flexible spending account(s) may allow employees to reduce their personal tax liability while increasing discretionary income. The City offers two types of flexible spending accounts: Dependent Care and Health Care.

Although employees may set up both types of account, employees cannot use funds set aside in the medical care reimbursement account to pay for dependent care; or dependent care reimbursement account to pay for medical expenses. It is important, therefore, to estimate the needs for each purpose as accurately as possible at the beginning of every year and to anticipate any changes that may occur during the calendar year, such as your pre-school child starting kindergarten in the fall. Any unused funds in these accounts cannot be refunded to the employee; they are on a use it or lose it basis.



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508 - LIFE INSURANCE AND DEATH BENEFITS

The City contributes 50% of the premium for a \$10,000 term life insurance policy for full time eligible employees. Optional employee and dependent life is also available.

Upon meeting eligibility for the Kansas Public Employee Retirement System, employees have basic group life insurance equal to 150 percent of their annual salary. Members of KP&F employees are not eligible for the basic group life insurance benefits. However, KPERS and KP&F employees may elect optional life coverage in amounts from \$5,000 to \$250,000 in \$5,000 increments. New employees are eligible for an initial \$50,000 of guaranteed coverage *without* proof of good health within 30 days of their hire date. Employees must provide proof of good health for amounts over \$50,000. Optional life insurance premiums are automatically deducted from the employee's pay.

Employees may start or increase coverage at *any time* with proof of good health.

In addition, employees can enroll for or increase coverage by up to \$25,000 *without* proof of good health when employees have a family status change like marriage, divorce, birth or adoption. With the "Accelerated Death Benefit," if the employee is diagnosed as terminally ill with 12 months or fewer to live, they may be eligible to receive up to 100 percent of the life insurance *instead* of the beneficiary receiving a death benefit.

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

KP&F death benefits are automatically paid to the spouse and/or eligible children. Children are eligible up to age 18, or 23, if a full-time student. If a KP&F member is unmarried and has no eligible children, the designated beneficiary receives a one-time lump-sum benefit.

Service Connected Death

The employee's spouse receives an annual benefit of 50 percent of the employee's final average salary in on-going monthly payments for the rest of his or her life. Eligible children also receive an annual benefit of up to 10 percent of the final average salary. The maximum total benefit is 75 percent of the final average salary. If there is no surviving spouse or eligible children, the designated beneficiary receives a lump sum equal to the employee's current annual salary.



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Non Service Connected Death

The employee's spouse receives a lump-sum payment of 100 percent of the employee's final average salary, plus an annual benefit of the final average salary x 2.5 percent x years of service in on-going monthly payments for the rest of his or her life. The maximum annual benefit is 50 percent of the final average salary. If no surviving spouse exists, eligible children share the benefit. If no surviving spouse or eligible children exist, the designated beneficiary receives a lump-sum equal to the employee's current annual salary.

Optional Life Insurance for Active Members

In addition, employees may elect optional life coverage in amounts from \$5,000 to \$250,000 in \$5,000 increments. New employees are eligible for an initial \$50,000 of guaranteed coverage *without* proof of good health within 30 days of their hire date. Employees must provide proof of good health for amounts over \$50,000. Optional life insurance premiums are automatically deducted from the employee's pay.

Job-Related Death

If an employee dies from an on-the-job accident, the beneficiary will receive a monthly benefit based on 50 percent of the final average salary, less Workers' Compensation. The minimum benefit is \$100 per month. He or she will also receive a \$50,000 lump-sum payment. This is in addition to the life insurance and returned contributions.



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509 - LONG TERM DISABILITY

The City provides employees eligible for membership in the Kansas Public Employees Retirement System (KPERS) or the Kansas Police and Firemen's Retirement System (KPFRS) long-term disability benefits.

KP&F disability is defined as occupational rather than total disability as required for KPERS disability. Proof of continuing disability is required annually for the first five years of disability.

For KPERS disabled employees may qualify for a disability benefit based on 60 percent of their annual salary. They must be disabled for 180 days and no longer receive employer compensation. In addition, they must apply for Social Security benefits and complete all appeal process. The City provides this long-term disability benefit. Employees continue receiving service credit and basic life insurance coverage for approved disability periods. They may also continue any optional insurance coverage.

For KP&F, benefits are classified as service connected or non-service connected. A "service-connected" disability includes any disability resulting from heart disease or a disease of the lung or respiratory tract, as well as cancer resulting from exposure to heat, radiation or a known carcinogen, if the member has at least five years of credited service.



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510 - COUNSELING ASSISTANCE

The City has established a relationship with Crawford County Mental Health which provides employees and family members, with personal and professional dilemmas, an opportunity to seek assistance. The Crawford County Mental Health Center will work with the City's medical insurance in an effort to make this benefit available. This is a resource to help with counseling, consultation, and child and family services in areas of concern which could include substance abuse, marital discord, family conflicts, job stress, self-doubt/low self-esteem, adjustment to divorce, bereavement, aging parents, legal and financial problems, physical and emotional problems, etc. Participation is strictly confidential. Contact Human Resources for further information.



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511 - SOCIAL SECURITY

City employees, with the exception of firefighters and police officers, are covered by federal Social Security insurance. The employee pays a portion of the tax to fund this coverage which is withheld as a percentage of the employee's gross salary. The City pays a matching amount which is credited to the employee's account. The percentage of the employee's gross salary which is withheld for Social Security and Medicare is set by federal law. Any questions about benefits under the Social Security system should be addressed to the local Social Security Administration office.

Employees may request specific information about their Social Security account, and should do so periodically, to ensure that their account is being credited properly. The Social Security Administration requires, for the employee's benefits protection that the name under which they are paid and to which the Social Security payments are credited must be identical to the name on the employee's social security card.



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512 - TRAINING AND DEVELOPMENT

Human Resources coordinates program(s) for employee development designed to help employees work more efficiently and manage relationships and other life activities more effectively. General or customized training is available to departments, and other City units.

Human Resources department provides assistance with supervisor development program(s) which offer courses designed to help supervisors increase and improve their skills. For information about scheduled classes and other resources, or to suggest programs that would be helpful, e-mail or call Human Resources. All staff is encouraged to attend employee development and training sessions offered. Employees should discuss training with the employee's department head to help determine which training opportunities are job related.



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513 - EDUCATION ASSISTANCE

The City of Pittsburgh will provide tuition assistance to eligible employees for accredited undergraduate degree and vocational education programs subject to the availability of funds.

All full-time employees with one (1) year of service may qualify for an education assistance benefit for job-related undergraduate courses. Approval of the employee's Department Head, the Human Resources Department and the City Manager is required prior to course enrollment. Employees must contact the Human Resources Department to obtain the necessary education assistance benefit form. The completed form must be submitted to the employee's Department Head a minimum of two (2) weeks prior to course enrollment.

The education assistance benefit provides eligible full-time employees a fifty percent (50%) tuition reimbursement up to \$3,000 per applicant each City fiscal year if the course work is directly related to the employee's current job responsibilities. Applicants must provide proof of payment to receive reimbursement. The applicant is required to receive a "C" or higher grade and submit a copy of the applicable transcript to the Human Resources Department. If the course is graded on a pass/fail basis, the employee must pass. If the employee fails, receives an incomplete, withdraws from the course, or receives a grade lower than a "C", the employee must reimburse the City for the full amount of the education assistance benefit advanced. The applicant must retain their employment status with the City for a period of one (1) year after the receipt of tuition reimbursement. If the employee leaves before the one (1) year period concludes, the employee must repay the tuition reimbursement payments to the City.

If the employee is required to make repayment, the City is authorized to automatically deduct the amount from the employee's wages or termination payout unless other repayment arrangements acceptable to the City are made. Should the employee terminate employment prior to full repayment, the city shall deduct the amount remaining due from the employee's final paycheck.

Textbooks, supplies and other incidental fees are not eligible for reimbursement.

Employees may only take courses during their off duty hours.



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514 - UNEMPLOYMENT COMPENSATION

The City contributes to the state unemployment insurance fund, and under certain circumstances, employees may be eligible for unemployment compensation benefits when no longer employed by the City.



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515 - RETIREMENT

Federal law requires that City employees must make a contribution to the Federal Insurance Contribution Act (FICA). However, police and fire employees hired prior to March 31, 1986 do not pay any FICA taxes. Police and fire employees hired after March 31, 1986 are required to pay the Medicare tax. In addition, Kansas law requires eligible members to participate in either the Kansas Public Employees Retirement System (KPERs) or the Kansas Police and Firemen's Retirement System (KP&F). The City matches an established contribution based on the employee's gross earnings. Interest paid is determined by the employee's membership date and their contributions earn interest annually.

Benefits received are based on years of service credit and age. Vesting, based on year(s) of service is required to receive a monthly retirement benefit. Additional information is available through Human Resources or by contacting KPERs or KP&F directly.

Employees working over 1,000 hours annually are eligible for participation in a 457 deferred compensation plan. Through a deferred compensation plan, employees can build retirement investments and reduce payroll taxes by participating in a wide array of investment options. For more information, contact Human Resources



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600 - ABSENCE AND PUNCTUALITY

Attendance and punctuality are very important parts of the employee job performance. Absenteeism places a burden on other employees who have to perform absent employee's duties. Absenteeism can cause scheduling problems for the department and can adversely affect the department's ability to be productive. For these reasons, excessive absenteeism will not be tolerated.

Occasionally, it is necessary to be absent from work due to illness or circumstances beyond an employee's control. When an employee has an unscheduled absence from work, they must notify their supervisor. Employees are responsible for calling their supervisor within one hour of their starting time, if a different requirement has not been established by the supervisor. If the supervisor is not available, employees must contact another supervisor. It is your responsibility to speak to your supervisor or Department Head. Employees are also required to keep the supervisor informed on a daily basis regarding their anticipated return to work. In the event an employee is absent due to a medical emergency, the supervisor should be contacted within 24 hours. If the employee is not able to contact the supervisor, an immediate family member may do so. If you, the employee, is absent for three or more days due to an illness, they may be required to present a doctor's release to be back to work. (See Policy 602 Sick Leave)

The same procedure should be followed if an employee is late for work.

It is a violation of the City's policy not to notify their supervisor when they will be absent or late to work. Disciplinary action may result for employees who are repeatedly absent and/or late to work. The City will consider it a voluntary termination should you not call your supervisor or report to work for three consecutive days.

Employees may not be paid for any unexcused/unauthorized absences.

An employee who is unable to report for work and who is not on previously approved leave of absence, is required to give reasonable notification to their immediate supervisor. Notification must be made as soon as the employee is aware that s/he will not be able to report to work and preferably no later than 30 minutes prior to the employee's scheduled start time.

The preferred method of notification is to call the supervisor at the company work number. Individual supervisors may approve alternate methods of notification such as email or calling the supervisor cell phone.



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If the employee fails to notify the supervisor of the absence in accordance with this procedure, the employee may be subject to disciplinary action.

If the employee is out for more than one day, the employee is required to notify the supervisor each day, in accordance with the initial notification procedure, of the continued absence. If the absence extends for a period of time, the employee and supervisor may establish a schedule to report on a less frequent basis.

If the employee is out for at least three days for reasons related to sick leave either for the employee or an immediate family member, the supervisor will notify Human Resources of the absence to determine if the leave qualifies for Family Medical Leave Act (FMLA).



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601 - ATTENDANCE AT MEETINGS AND CONFERENCES

Employees are encouraged to attend professional meetings, when attendance is beneficial to both the employee and the City. Brief leaves from official duties may be granted by the department head for attendance at such meetings when circumstances permit. The City may reimburse for travel expenses when travel funds are available and to the extent allowed by the City's travel policy. Applications for leave and for travel allowances in connection with attendance at professional meetings must be approved in advance. Non-exempt employees can contact Human Resources for information about Fair Labor Standards Act provisions for travel time.



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602 - SICK LEAVE

Full time employees earn and accrue sick leave at the rate of 3.69 hours per pay period up to a maximum of 96 hours annually. Accrual begins on the employee's hire date and is credited following a pay period. Employees cannot use sick time until it has been credited to their sick leave account. The maximum allowable accrual is 1,200 hours. For fire department employees, a day is calculated as 24 hours, 11.08 hours per pay period and the maximum accrual is 1,680 hours. Employees accrue sick leave only when they are in a paid status, including when on leave with pay. Employee's sick leave will be pro-rated for any calendar month during which leave without pay for ten or more days occurs. Individual departments may set policy regarding minimum hours and time requested.

Sick leave is granted on the basis of work days, not calendar days. Non-work days, such as holidays and weekends, are not charged to sick leave. Sick leave may not be used in addition to or instead of vacation, but is to be taken only when an employee must be absent from work because of illness or injury or to keep an appointment with a health care provider. For the purpose of this policy, immediate family includes the employee's father, mother, sister, brother, spouse, child, grandchild, grandparents, in-laws, or anyone acting as parent or guardian.

An employee's leave will be charged for absences from work because of an illness or injury or for any other reason that qualifies for sick leave. However, for the birth of a grandchild, grandparents can use sick time until the mother is discharged from the hospital. Unless there are extenuating medical circumstances, vacation time should be used for any additional time taken in association with the birth of a grandchild.

Employee's leave will be charged in the following order: (1) earned sick leave, (2) any earned compensatory or holiday time and vacation, (3) leave without pay. In the event an employee does not have paid leave time available, he/she may petition the City Manager for an advance of sick leave. The City Manager has the sole authority to grant or reject the request.

Planned absences should be requested to the supervisor, as early as possible. Employees must notify or have someone notify the supervisor within the first hour of the scheduled work day. Some departments may require earlier notice. Notification should be made on the first day of absence and on each subsequent work day. A statement from a health care provider defining a range of time the employee is expected to be absent because of illness or injury is acceptable.

Employees absent due to illness or injury for five or more consecutive days may be asked to furnish a written physician statement. In addition, supervisors may require physician



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documentation with excessive use of sick time or suspected abuse of the benefit. Fraudulent claims of illness or injury and patterns of abuse of sick leave may result in disciplinary action.

The City will make every effort to accommodate the employee recuperating from an injury, an illness, or surgery when the health care provider approves return to work but places restrictions on what can be done. A health care provider will have to document any restrictions prior to employee returning to work. Department Heads will review restrictions to determine if the job responsibilities as outlined in the job description can be carried out within the imposed limitations. An employee returning to full duty after being on light duty will be required to undergo a physical assessment. Health Care providers can contact Human Resources to obtain the job description, and the City may consult with additional health care providers for a second opinion, when necessary.



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603 - FAMILY MEDICAL LEAVE ACT

The Federal Family Medical Leave Act (FMLA) entitles employees who meet the definition of eligible employee a total of twelve work weeks of leave during a twelve-month period. To be eligible for FMLA leave, employees must have been employed by the City for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the beginning of the leave.

When the City becomes aware that the requested leave is covered by the FMLA, it has the responsibility to notify the employee that they have been placed on FMLA leave. A supervisor can conditionally approve FMLA until receipt of a certification issued by the health care provider of the employee is obtained. The employee shall provide certification within 5 business days, with an outside limit of 15 days within which the employee must respond to all requests for certification. Once the City receives the certification, it must notify the employee if the certification is insufficient and explain why. The employee then has 7 calendar days to correct the problem. The City must determine if the leave will qualify as FMLA leave within five business days of the time request, or if there is not sufficient information to make the determination, at the point the information becomes available. If the City learns that leave qualified for FMLA after leave has begun or within five work days of return to work, the entire leave or a portion of it may be counted retroactively as FMLA leave.

Employees are granted leave in the following situations:

- The birth of a child
- The placement of a child for adoption or foster care,
- The care of a newborn or newly-placed child, or
- The care of a spouse, parent, son, or daughter with a serious health condition
- Employees unable to work due to their own serious health condition.

If husband and wife are both employed by the City, they are entitled to a total of twelve weeks leave, rather than twelve weeks each, for the birth or adoption of a child or to care for a sick parent. However, each employee is entitled to twelve weeks of FMLA leave for their own serious health condition or to care for their child or spouse. Married couples are entitled to a combined annual total of twelve weeks of FMLA leave to care for their own parents (not parents-in-law).

Use of FMLA leave for the employee's serious health condition or to care for a seriously ill child, spouse, or parent must be supported by a certificate issued by a health care provider. The certificate must contain the following information:



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1. The date on which the serious health condition began
2. The probable duration of the condition
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition
4. If the FMLA leave is to care for a family member, the certificate must contain a statement that the employee is needed to care for the child, spouse, or parent, and an estimate of the anticipated duration.
5. If the statement is for the employee's serious health condition, a statement that they are unable to perform the functions of the job must be included.

Human Resource professionals are allowed to contact an employee's health care provider for the sole purpose of clarifying a medical certification.

When the necessity for FMLA leave is foreseeable, employees should provide the City with a completed Certificate of Health Care Provider form thirty days before leave begins. If circumstances require that the leave begin in less than thirty days, employees should provide as much notice as possible. In cases of illness, employees may be required to report periodically on the status of their condition and their intention to return to work. Employees may be required to provide recertification on a reasonable basis, but not more often than every thirty days. Any medical information submitted will be considered confidential.

The twelve-month period during which employees may take up to 12 weeks of FMLA leave begins on January 1. The actual amount of FMLA leave employees use in association with the child's birth or adoption should be mutually agreed upon with the Department Head, taking into account the health care provider's recommendations and any birth-related complications or serious health conditions. For the birth of a healthy child, male employees are limited to the use of two (2) weeks sick leave. After that, compensatory, vacation or holiday paid time off may be taken.

Family and medical leave is leave without pay. However, the City requires employees to use accrued paid leave for as much of the twelve-week period as it will cover. If the employee's illness or injury is the result of a Workers' Compensation claim and the employee is receiving benefits, unpaid leave may be granted. Compensatory time off may be used, but must be exhausted before employee's are granted leave without pay. However, compensatory time cannot be used to extend FMLA leave. FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances.



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1. If FMLA leave is taken on an intermittent or reduced leave (part-time) schedule, it will not reduce the total amount of FMLA leave to which an employee is entitled. Only the amount of leave actually taken is counted toward the twelve-week entitlement.
2. Employees may take FMLA leave intermittently when it is medically necessary. If the leave is foreseeable due to planned medical treatment, the supervisor or department may require a transfer temporarily to an available alternative position with equivalent pay and benefits but which better accommodates recurring periods of leave.
3. When FMLA leave is taken for the birth of a child or the placement of a child for adoption or foster care, the leave may be taken intermittently only if the supervisor agrees to the proposed arrangement. With supervisor approval, employees may work part-time after the birth or placement of the child or take FMLA leave in several segments, up to the twelve-week cumulative limit.
4. With medical certification pregnant women may take FMLA leave before the birth of the child.
5. Leave required prior to the placement or adoption or foster care of a child is covered under FMLA.
6. Intermittent or reduced leave schedules may be used to care for a family member in a situation where the family member's condition is intermittent, when care responsibilities are shared, or to make arrangements for changes in the family member's care, such as a transfer to a nursing home.
7. Intermittent FMLA leave may be used for the employee's own serious health condition which requires treatment by a health care provider periodically, rather than for one continuous period of time.
8. Intermittent or reduced scheduled FMLA leave may be used for absences when the employee is incapacitated or unable to perform the essential functions of the job because of a chronic serious health condition even if the employee is not receiving treatment by a health care provider. Care for a family member who is incapacitated by a chronic serious health condition, will qualify as intermittent FMLA leave. If an initial diagnosis by a health care provider exists, the employee may use FMLA even if the family member is not receiving treatment. However, a completed certification form is required.

Upon return from FMLA leave, employees will be reinstated in their position or a position with equivalent benefits, pay, and other terms and conditions of employment.

If the employee is unable to return to work at the end of his/her FMLA leave and has paid time off remaining, the employee will remain on payroll until all paid leave is exhausted. At that time, the City Manager will determine the employment status of the employee.



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Other than paid leave which is taken during the FMLA leave period, employees will not lose any benefits accrued prior to the leave. Employees are not entitled to any right, benefit, or position other than what they would have been entitled to if FMLA leave had not been taken.

Employees, who participate in the City's group health care plan, will be covered, and the City will continue to pay its portion of the premium while the employee is on FMLA leave. Employees are responsible for paying the employee contribution of premium.

The City may recover the employee contribution if the employee fails to return to work. If the City has maintained other benefits, such as life insurance, in order to meet its responsibility to provide equivalent benefits upon return from FMLA leave, it may recover the costs incurred for paying the premium, regardless of whether the employee returns to work.

Under the Family Medical Leave Act it is unlawful for an employer to interfere with, restrain, or deny the exercise of the rights provided by this law. It is also unlawful for an employer to discharge or discriminate against any employee who is involved in a proceeding related to the FMLA. Use of Family and Medical Leave cannot be a consideration in decisions to hire, promote, or discipline employees.

NOTE: The FMLA allows leave for substance abuse in order to undergo treatment by a health care provider and specifically excludes employee absence because of the use of the substance. Stress qualifies as a serious health condition only if it rises to the level of a mental illness or results in a physical illness.



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604 - MILITARY FAMILY AND MEDICAL LEAVE

The purpose of the Military Family and Medical Leave Act is to balance the demands of the workplace with the needs of families in a manner that accommodates the legitimate interests of employers.

Military Caregiver Leave provides up to twenty six (26) weeks of leave in a 12 month period to family members caring for a covered service member with a serious injury or illness incurred in the line of duty while on active duty.

In addition employees are provided leave for qualifying exigencies for families of National Guard and Reserves. The law allows families of National Guard and Reserve personnel on active duty to take FMLA job-protected leave to manage their affairs for "qualifying exigencies." Qualifying exigencies are the following:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities where the employer and employee agree to the leave.

Employees will notify their direct supervisor in writing when Military Family and Medical leave is requested.



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605 - BEREAVEMENT LEAVE

Absences due to the death of a member of the immediate family are eligible for bereavement leave. For a qualifying family member twenty four (24) scheduled work hours of leave is granted. The maximum allowable time off for bereavement in a calendar year is six (6) days. Immediate family is defined as mother, father, sister, brother, spouse, child, grandchild, grandparents, in-laws or any individual who has acted as a parent or guardian.

Employees who wish to attend the funeral of anyone outside of the immediate family should make a request to their supervisor as far in advance as possible. The absence will be charged to compensatory time first (if applicable), then vacation time.



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606 - COURT AND JURY LEAVE

Employees, who serve as a juror or are subpoenaed as a witness for the City to give testimony in a court or hearing, are entitled to their regular City pay. However, the City requires any payment received for jury duty to be endorsed and made payable to the City. Employees are not required to surrender reimbursement for mileage. Absences from work will not be deducted from any available paid time off. Employees are required to return to work as soon as their services are no longer required by the court.

When service on a jury would cause a hardship to the operation of the work unit, the supervisor may petition the judge, in writing, asking that the employee be excused from jury duty. However, if the request is denied or no response is received before the date duty is to begin, employees must report for jury duty.

If witness service can be handled by the taking of a deposition rather than court appearance, the deposition is preferable. Depositions or statements which involve the City may be taken during working hours. All others should be handled on personal time.

An employee providing testimony as an expert witness and being paid a fee in excess of the normal witness fee must take paid time off for the time needed to give testimony.



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607 - TIME OFF TO VOTE

In most communities, polls remain open long enough to allow employees time to vote before or after working hours. In cases of extreme hardship, such as having to travel a great distance to the polling place, employees may be permitted to report to work late or to leave early in order to vote. The time permitted for this purpose is given with pay and without reduction of paid time off. If time off is necessary, employees must notify the immediate supervisor before Election Day.



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608 - LEAVE OF ABSENCE WITHOUT PAY

Requests for leave of absence without pay should be made to and must be approved by the employee's Department Head. Leave of absence without pay may be granted for the following reasons:

- An extended absence, requested by the employee, which is in the best interest of the City or which the City is able to accommodate. Written request for approval of leave of absence without pay is required if it is for any reason except those which follow.
- Necessary absences due to the employee's or their immediate family member's serious health condition (see Family and Medical Leave) or because of disability or personal reasons when the absence extends beyond available earned vacation, compensatory and sick leave. On a case-by-case basis, unpaid leave will be considered as a form of reasonable accommodation for qualified individuals with disabilities.
- Leave for the birth or placement of a child for adoption or foster care (see Family and Medical Leave).
- Military leave that involves active duty or active duty for specialized training (see Military Leave).
- Employees may be put on leave of absence without pay for disciplinary reasons.

Employees must use all accumulated holiday, compensatory and vacation time before being placed on leave without pay except for certain types of military leave or when the leave is for disciplinary purposes. Employee's vacation or sick accrual while on leave without pay for ten or more days during a calendar month will be pro-rated. In addition employees do not receive holiday pay while on leave without pay.

Employees who are on leave without pay will continue insurance benefits through the end of the month in which they last actively worked. At that time, they will be eligible for COBRA conversion. (See COBRA policy)

Employees, who fail to report to work promptly at the end of an agreed-upon period of leave without pay, may be terminated.



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609 - MILITARY LEAVE

The City of Pittsburg is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because they have exercised his/her rights under this policy. Any employee, who believes he/she has been subjected to discrimination in violation of this policy, should immediately contact Human Resources.

Eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days unpaid military leave. All benefits will continue during an employee's temporary military leave.

Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as six years and will be entitled to the rights and benefits as described by federal and state law.

Employees should submit written notification from the military when requesting Military Leave



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700 - HEALTH AND SAFETY

The City of Pittsburg falls under the jurisdiction of The Department of Labor (DOL) regarding its safety program; the DOL utilizes the standards set forth by the Occupational Safety and Health Administration (OSHA) so these are the standards that the City follows as well.

Employee safety is a prime concern at the City of Pittsburg. The City's policy is to provide for the continuous development, implementation, and maintenance of an ongoing program that assures a healthy and safe work environment for all employees. Employees will be held responsible at all times to observe and practice the highest possible standards of health and safety in carrying out assigned duties. Supervisors will provide departmental training for safe and efficient operation of equipment.

Following are some basic rules to follow, which will help each employee ensure a safe work environment:

- Look the job over and make it safe before you start work.
- Determine if a traffic control plan is needed for the job and contact the appropriate personnel to assist in the development of that plan.
- Have the proper tools in good condition to do the job.
- Wear the proper safety equipment (personal protective equipment) for the necessary job.
- Assess if there are any fall protection requirements related to the worksite or task to be completed and select the fall protection system/equipment appropriate for the situation.
- When entering and exiting tall equipment, use the grab bars. Practice the three points of contact when entering and exiting equipment and trucks.
- Stay alert and watch for changing conditions and situations.
- Make sure all employees know his/her responsibilities and what they are to accomplish.
- Don't RUSH as hazards are overlooked or unnecessary chances are taken.
- Make sure all employees are aware of people and equipment working in the area.
- Make sure all equipment is properly locked and tagged out before servicing. If the equipment is marked with a "Tag out" notice or a "Lockout" notice, **DO NOT USE THE EQUIPMENT.**
- Machines are to be shut down before cleaning, repairing or leaving unattended.
- **REPORT ANY HAZARDS.**



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- Keep work areas clean and free of litter.
- Should an injury occur, secure first-aid immediately and report injuries as soon as possible on the day of the injury.
- “Horseplay” or “fooling around” will not be tolerated. Horseplay includes pranks, practical jokes, and roughhousing. Serious injury can occur from seemingly harmless activities.
- Use proper back safety when lifting - use legs, not back. For heavier loads, ask for assistance.
- Ensure that office chairs, keyboards, monitors, etc. are at the proper height and/or within proper reach. Make adjustments to the workstation as needed.
- Read all labels before operating machinery or using materials.
- Clean up spilled liquid, oil, or grease immediately. IF A SPILL IS A POSSIBLE HAZARDOUS MATERIAL - EMPLOYEES SHOULD NOT ATTEMPT CLEAN UP, BUT SHOULD NOTIFY HIS OR HER SUPERVISOR.

Hazards can be found almost everywhere in the workplace and there are many different types, including slipping on a wet floor, accidents with machinery and other equipment, burns from chemicals and fires from flammable materials. If an unsafe condition in the workplace exists, the employee should immediately notify his/her supervisor. The supervisor will then work with appropriate personnel to ensure the condition is corrected.

The Safety Coordinator and committee, working with Human Resources, provides training in safety procedures and equipment use, including fire prevention; fire extinguisher testing and replacement; hazardous materials management; chemical handling and storage procedures; or other hazardous waste; occupational health and safety; chemical safety; emergency equipment selection and testing; building environmental conditions; and compliance with environmental health and safety laws and regulations.

Violations of safety practices will result in disciplinary action including and up to separation of employment.



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701 - WORKERS COMPENSATION

Employees, who become injured or ill while at work due to a work-related incident, may be eligible to receive Workers' Compensation. Workers' Compensation ensures that employees get appropriate and reasonable medical care for injuries or illnesses sustained while on the job. Leave taken due to a serious health condition for which Workers' Compensation benefits are paid will be designated as Family and Medical Leave if it meets FMLA requirements. Employees must immediately report any injury to their immediate supervisor. If the employee does not report the accident to their immediate supervisor within twenty four (24) hours or the next business day of the accident or illness, the claim may be denied. The supervisor will complete an approved report form and forward to Human Resources.

PROCEDURES FOR REPORTING AND TREATMENT OF A JOB RELATED INJURY OR ILLNESS

For emergency situations in which the injury or illness might threaten a person's life do the following:

Call "911" immediately then notify the injured or ill employee's supervisor immediately.

1. For urgent situations which are not life-threatening to the employee, but for which immediate treatment is required do the following:
 - a. Seek treatment from the City's designated workers compensation physician. (Human Resources can assist)
 - b. Seek medical treatment at the local hospital or urgent care facility.
 - c. Notify the injured or ill employee's supervisor immediately.

If emergency transportation is not necessary, the injured or ill employee's supervisor will arrange transportation to either the designated medical provider or to the emergency room, whichever is appropriate. **Note: If the employee elects to seek the services of a health care provider of his/her own choice, the treatment will be covered by Workers' Compensation up to \$500.** If the expenses exceed \$500, the responsibility for payment of charges in excess of \$500 is the employee's responsibility and is not compensable through the City's workers' compensation insurance.

2. After treatment at the hospital and/or at the designated medical provider, the employee or someone designated by the employee must provide the supervisor



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with any information provided by the physician's office regarding the employee's medical condition including:

- follow-up appointment dates;
- diagnosis of the injury or illness;
- prognosis for recovery;
- any specific work restrictions; and
- the date employee can return to full duty.

This information should be given to the supervisor and Human Resources within twenty-four hours from the date of the physician's visit or the following business day, whichever is applicable.

An employee on temporary total disability will be placed on FMLA leave and receive a weekly check from Workers' Compensation based on $66 \frac{2}{3}$ of his/her regular wage. However, the State has set a maximum weekly temporary disability wage that may be less than $66 \frac{2}{3}$. The City will provide payment designated as OJI to cover the initial seven day waiting period required by Worker's Compensation. The employee's regularly scheduled hours during the initial seven days of the accident or injury will be documented as "On the Job Injury (OJI)" on the employee's timesheet.

After the seven day waiting period, employees may choose to supplement their Workers Compensation temporary disability payment with any accrued paid time off. Employees' wages that exceed the maximum limit will require use of more sick leave to achieve their regular gross pay. Sick leave will be exhausted prior to using any vacation, compensatory, or holiday pay. The employee may subsidize the temporary disability as long as he/she remains injured or ill and has not been released to return to work and has accrued paid leave (sick, vacation, compensatory and holiday) to use.



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702 - AMERICANS WITH DISABILITY AMENDED ACT

It is the City of Pittsburg's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Additionally, the Americans with Disabilities Amended Act (ADAA) require employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the City to comply with all Federal, state, and local laws concerning the employment of persons with disabilities.

The City of Pittsburg will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

An individual, who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other employee or applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

Definitions

In implementing this policy, the City of Pittsburg will be guided by the then-applicable definitions stated in the ADAA or in case law construing the ADAA, and applicable state and local law. . In the event of any conflict between the definitions in the ADAA and the definitions in this policy, the legal definitions will control. The following discussion is provided for general guidance of employees and applicants in understanding the policy of the City.

- "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". An individual may



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also be deemed “disabled” if that person is *regarded as* having such impairment. However, in the “regarded as” instance, the situation is more complicated. Under amendments to the ADA in 2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.

- Generally, mitigating measures such as medications and medical devices *will not* be considered in making a disability determination, although ordinary eyeglasses *may* be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as “disabled.” On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being “disabled” if the person otherwise meets the definition of “disabled.”

Major life activity” may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

“Direct threat to safety” refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

A “qualified individual with a disability” refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

“Reasonable accommodation” refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

“Undue hardship” refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed



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at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

“Essential job functions” refers to those activities of a job that are the core to performing the job in question.



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703 - ACCIDENT AND INJURY REPORTING

It is essential that employees report all job related accidents to their immediate supervisor without delay. Any employee involved in an accident while driving a City-owned vehicle shall report it to their immediate supervisor. The immediate supervisor shall then report the accident to the City Clerk and/or Human Resources on required forms within two days. All employees involved in a work related accident or injury that requires reporting will be subject to a drug and alcohol test within two hours of the injury or accident (See Policy 805).



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704 –FIREARMS

Open Carry Prohibited

Employees, with the exception of authorized law enforcement personnel, shall not openly carry a firearm in the course of their employment.

Conceal Carry of a Handgun

Employees who are not otherwise prohibited by state or federal law, may carry a concealed handgun in the course of their employment consistent with the provisions of the Personal and Family Protection Act, as amended. It is the sole responsibility of the employee to be aware of and comply with, all state and federal laws regarding the conceal carry of a handgun.

- Employees who choose to carry a concealed handgun in the course of their employment shall keep said handgun completely concealed, in a proper holster or similar product, with all safety features engaged.
- It is the sole responsibility of the employee to maintain control of his/her concealed handgun and ammunition by ensuring that such handgun is on his or her person and attended to at all times.
- Employees may store a firearm in a personal vehicle while the vehicle is on City property provided that such firearm is stored out of plain view from the exterior of the vehicle and the vehicle is locked when the employee is not in the vehicle.
- Employees who must temporarily store a concealed handgun in a City owned vehicle in the course of their employment shall store said handgun in a locked case out of plain view from the exterior of the vehicle. The City vehicle shall be locked when the employee is not in the vehicle. It is the responsibility of the employee to purchase a locked case at his or her sole expense. The City shall not be responsible for the theft, damage, or other loss of a concealed handgun or locked case from a City owned vehicle.
- Employee who fail to maintain a concealed handgun in a concealed manner or secured as described herein, should be subject to discipline, up to and including termination.
- Employees who choose to carry a concealed handgun in the course of their employment must ensure that the carrying of a concealed handgun shall not interfere with the employee's ability to perform his/her job duties or obstruct any required safety equipment.
- Employees who choose to carry a concealed handgun in the course of their employment shall comply with posted building and personal property prohibiting conceal carry and in accordance with state law.



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- The discharge of a concealed handgun by a City employee in the course of their employment, shall be immediately reported to the employee's supervisor and the City police department. Said employee shall also be subject to mandatory drug and alcohol testing in accordance with Policy No. 805, and may be subject to criminal prosecution.
- The discharge of a concealed handgun by an employee while in the course of their employment shall be investigated by the City police department or its designee. Pending the result of the investigation, the employee shall immediately be placed upon paid leave. Upon completion of the investigation, a determination shall be made if the incident constitutes grounds for disciplinary action, up to and including termination.
- Any injury that is caused by the employee choosing to carry a concealed handgun shall not be considered for worker's compensation benefits.
- The City is immune from liability caused by employees who choose to carry a concealed handgun in the course of their employment, therefore the City will not provide for, reimburse, pay legal fees or defend, nor other costs and expense in the defense of employees who choose to carry a concealed handgun in the course of their employment.
- With the exception of law enforcement personnel, it is outside of the course and scope of employment for any City employee to brandish, intentionally display, use, discharge, point or threaten any person with the use of a concealed handgun in the course of their employment.



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705 - INCLEMENT WEATHER

It is the policy of the city to remain open regardless of weather conditions. Employees should make a determination about personal safety and their ability to travel to and from work. Employees should make every attempt to come to work if conditions permit. Employees who feel it is not safe for them to report to work will not be paid. However, compensatory time or vacation pay may be used.

If severe and unexpected conditions force a decision to close City offices local media will be notified. Information will be available on local radio and television stations.

When an employee performs job functions that must be performed, regardless of the weather, they will be designated as "essential personnel," and will be expected to report to work even when City offices are closed. The City Manager will determine what positions are essential. The employee's Department Head will notify affected employees of specific requirements for essential personnel.



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800 - PERSONAL APPEARANCE

Due to frequent interaction with the public, standards of personal appearance and personal apparel should be maintained by employees. Employees are expected to dress in a manner consistent with the nature of work performed.

Supervisors of newly hired or promoted employees will communicate appropriate personal appearance and clothing for their department. An employee who is inappropriately dressed, in the opinion of supervisory personnel, may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for time away from work.

Some employees will be issued clothing for positions that require a recognizable or positive image to the general public. If an employee is required to wear clothing displaying the City name and logo they are expected to dress in a professional manner, wearing clothing that is neat, clean, and fits appropriately. See Policy 407 Uniforms.



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801 - HANDLING CONFIDENTIAL INFORMATION

Work at the City may give employees access to internal, personnel, medical or financial information that is considered confidential. In this situation, employees are expected to respect the confidentiality of such information and not disclose it to anyone who does not have an official need for it. If any question about the confidentiality of information entrusted to them or to which they have access, the employee is encouraged to ask their supervisor.

The City's policy is to safeguard personal employee information in its possession to ensure the confidentiality of the information. Additionally, the City will only collect personal information that is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the City includes employee names, addresses, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials. All pre-employment inquiry information and reference checking records conducted on employees and former employee files are maintained in secured, segregated areas and are not used by the City in the course of its business operations.

Personal employee information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information. All hard copy and electronic records will be maintained in locked/secure areas with access limited to those who have a need for such access. Personal employee information used in business system applications will be safeguarded under City proprietary electronic transmission and intranet policies and security systems. Participants in City benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs.

If an employee becomes aware of a material breach in maintaining the confidentiality of his or her personal information, the employee should report the incident to a representative of the human resources department. The human resources office has the responsibility to investigate the incident and take corrective action. Please be aware that a standard of reasonableness will apply in these circumstances. Examples of the release of personal employee information that will not be considered a breach include the following:

- Release of partial employee birth dates, i.e., day and month is not considered confidential.



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- Personal telephone numbers or e-mail addresses may be distributed to department head in order to facilitate company work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes and for timekeeping purposes will be shared with department heads.
- Employee's company anniversary or service recognition information will be distributed as appropriate.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.



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802 - CONFLICTS OF INTEREST

City employees need to be sensitive to the possibility that outside obligations, financial interests, or employment may affect their responsibilities and decisions as employees of the City of Pittsburg. Involvement of City employees in outside activities, both public and private, often serves the interests of the individual, City, and general public. Participation of individuals in activities outside the City is encouraged to the extent that they do not interfere with the mission of the City or the employee's job performance.



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803 - GIFTS, GRATUITIES AND BUSINESS COURTESIES

Business courtesies include gifts, gratuities, meals, refreshments, entertainment or other benefits from persons or companies with whom the City of Pittsburg does or may do business. City employees will neither give nor accept business courtesies that constitute, or could reasonably be perceived as constituting, unfair business inducements that would violate law, regulation or would cause embarrassment or reflect negatively on the City's reputation.

Most business courtesies offered in the course of employment are offered because of the employee's position. Employees should not feel any entitlement to accept and keep a business courtesy. Although employees may not use their position, they may accept unsolicited business courtesies that promote successful working relationships and good will with the firms that the City of Pittsburg maintains or may establish a business relationship with.

Employees who award contracts or who can influence the allocation of business, who create specifications that result in the placement of business or who participate in negotiation of contracts must be particularly careful to avoid actions that create the appearance of favoritism or that may adversely affect the City's reputation for impartiality and fair dealing. Employees may accept occasional meals, refreshments, entertainment and similar business courtesies that are shared with the person who has offered to pay for the meal or entertainment.

GIFTS

Employees may accept unsolicited gifts, other than money, that conform to the reasonable ethical practices of the marketplace, including:

- Flowers, fruit baskets and other modest presents that commemorate a special occasion.
- Gifts of nominal value, such as calendars, pens, mugs, caps and t-shirts (or other novelty, advertising or promotional items).

Generally, employees may not accept compensation, honoraria or money of any amount from entities with whom the City does or may do business. Tangible gifts (including tickets to a sporting or entertainment event) that have a market value greater than \$100 may not be accepted unless approval is obtained from the City Manager.

Employees with questions about accepting business courtesies should talk to their Department Head or the HR department.



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804 - TOBACCO FREE WORKPLACE

The City of Pittsburg is dedicated to providing a healthy tobacco free workplace for its employees. The use of tobacco products in all City enclosed facilities and vehicles is prohibited. Smoking is also prohibited within a ten foot (10') radius of any doorway, open window or air intake of any City enclosed facility.

Departments may designate a smoking area for use by employees that is not less than a ten foot (10') radius from any doorway, open window or air intake of any City enclosed facility. Littering with remains of tobacco products on City property is prohibited, and all City employees who smoke must dispose of their tobacco product remains in fireproof receptacles.



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805 - DRUGS AND ALCOHOL

The City of Pittsburg is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our commitment. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

Any individual who is employed by the City, conducts business for the City, is applying for a position or is conducting business on the City's property is covered by our drug-free workplace policy. All employees are subject to testing for the use of drugs and alcohol post-accident, whenever there is reasonable suspicion of drug or alcohol use. Commercial Driver's License holders are subject to random testing on a quarterly basis.

As a condition of employment, this organization requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol. The City encourages employees to voluntarily seek help with drug and alcohol problems. The City's Employee Assistance Program (EAP) is available to employees and family members to assist with addressing drug and/or alcohol related problems.

With the exception of police investigatory purposes, the policy of the City of Pittsburg prohibits, employees to possess, distribute, dispense, manufacture or use, drugs, controlled substances (except such drugs or controlled substances prescribed by the employee's physician), or drug paraphernalia on or in City buildings, parking lots, vehicles, or other City property. Any use, dispensing, or distribution of alcohol except as related to the employee's job duties, during the employee's regularly scheduled work time (shift) while on or off City property is prohibited. An employee must not consume alcohol eight (8) hours prior to reporting to their regular scheduled work. City employees who are subject to callback must adhere to department policies addressing drug and alcohol use during times when they may be called in to work.

The City Manager may exempt certain employees from the consumption provision of this policy for, attendance at social events, or other activities which further the City's interest provided such activities do not conflict with the below paragraph.

In an emergency situation, the City Manager may require essential personnel to be called in to work. In the event that alcohol has been consumed, the City Manager will determine if the expertise of the person is required. When the individual is required to report to work, the City will provide transportation.



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The City's policy also conforms to the federal requirements established for alcohol and drug testing of all employees covered by the Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V, and is part of the City's ongoing drug free awareness program.

Prescribed Medication

Employees who are required by a licensed health care provider to take prescription medicine (either temporarily or on an ongoing basis) that may cause behaviors that affect their work performance or which would cause a direct threat to the health or safety of themselves or a co-worker, shall notify their immediate supervisor of the medication prescribed. Any documentation of this information will be maintained confidentially in the employee's medical file.

Search of City Premises

All property belonging to the City is subject to inspection at any time without notice as there is not an expectation of privacy. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.

Reporting and/or Investigation

City employees who have reason to believe another employee is in violation of this policy, shall report the facts and circumstances immediately to a supervisor and/or Human Resources.

Employees must abide by the terms of this drug and alcohol policy. Employees must notify their supervisor and/or Human Resources immediately if charged with any misdemeanor or felony drug or alcohol statute violation. Notification must also be provided of any subsequent conviction(s) regarding drug or alcohol statute violations.

Employees must cooperate in any investigation relating to conduct prohibited by this policy. Failure to cooperate may result in disciplinary action including and up to separation from employment.

Post-Employment Offer Testing

After an offer of employment is extended, the candidate must submit to a drug screening test as a part of the health assessment. Refusal to submit to the testing,



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possession of a specimen altering device or submitting altered or substituted specimen will automatically disqualify an individual for employment.

Refusal to Test

Refusal to submit to alcohol or drug test will result in separation from employment. Altered or substituted tests shall be considered a refusal to test.

Test Results

An employee or prospective employee, who as a result of testing, is found to have engaged in the use of controlled substances or having an alcohol concentration in the blood or breath of 0.04% or greater shall have the offer of employment rescinded or be removed from service and his/her employment with the City will be terminated.

If the alcohol testing results in an alcohol concentration below 0.04%, the employee will be removed from his/her duties and placed on unpaid Administrative Leave until notified by the Department Head and/or Human Resources of a return to work date. The employee may be subject to disciplinary action, including and up to separation from employment.

Post-Accident Testing

Post-accident testing is required in the following circumstance:

- The accident results in an injury that requires medical treatment beyond first aid.
- The accident is a motor vehicle accident (MVA) involving another motor vehicle.
- The employee's supervisor determines that post-accident testing is required.

Refer to Attachment A - Accident Reporting Flowchart.

Testing is required to be completed within two (2) hours from the time of the accident. If testing is not completed within the two-hour time period, the supervisor will document the reason why testing did not occur timely on the accident report form. If the test is not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol/drug test and document the situation on the accident report.

Employees requiring post-accident testing must not consume alcohol until after the testing is completed or within the eight (8) hours following the accident.



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Accident forms are to be turned into Human Resources no later than three (3) work days from the date of the accident.

An employee that has a positive or non-negative initial testing result(s) will be removed from duty until the results are verified and affirmed through medical review and received by Human Resources. A final result of positive will result in separation from employment.

Reasonable Suspicion Testing

Reasonable suspicion testing is conducted when supervisors document observable signs and symptoms that lead them to believe that the individual may be under the influence of drugs and/or alcohol. It is extremely important to have clear, consistent definitions of what behavior justifies reasonable suspicion drug and alcohol testing. Suspicion should trigger investigations, which should result in documentation of observable signs. It is recommended that the supervisor use the Reasonable Suspicion Drug/Alcohol Testing Checklist (Attachment B). Supervisors may consult with another supervisor or manager for verification of signs and symptoms and always document what is observed:

- Specific observations concerning appearance, behavior, speech, body odors or performance
- Violations of any safety rule or unsafe work incident, which after further investigation of the employee's behavior leads the supervisor to believe the employee may be under the influence
- Other physical or existing indicators of alcohol or other drug use

An employee that observes behavior or performance problems of another employee which could have an adverse effect on his or her personal safety, the safety of others or job performance and reasonably suspects such behavior and performance to be the result of use of alcohol or other drugs, shall immediately notify the supervisor, Department Head or Human Resources.

Any employee who is tested due to reasonable suspicion will be removed from duty until the results are verified and affirmed through medical review and received by Human Resources. A positive test result will result in separation from employment.



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CDL Testing

CDL employees will be included in a pool for CDL positions as determined by the Department of Transportation. For CDL positions, the number of random drug tests conducted shall equal at least 50% of all the CDL employees within the City or if a consortium is developed, then 50% of the consortium sample. Likewise Evidential Breath Test (EBT) shall be conducted on 10% of the CDL employees and 10% of the consortium sample.

A CDL employee called for random testing, is required to report to the testing site by the end of the workday he/she was notified. Failure for timely reporting to the testing site may result in disciplinary action including and up to separation from employment.

A CDL employee that has a positive or non-negative initial testing result(s) may be removed from duty until the results are verified and affirmed through medical review and received by Human Resources. A final result of positive may result in separation of employment.

Voluntary Admission by an Employee

Employees are encouraged to voluntarily identify themselves as drug users or alcohol abusers and to obtain counseling and rehabilitation through a qualified professional. Employees and family members may access the City's EAP program to address alcohol and/or drug related problems.

Employees who voluntarily identify themselves as having a drug or alcohol problem and obtain appropriate counseling and rehabilitation may be retained in their current position or reinstated to their previous position upon full release by the selected program according to Federal and State laws. Public health and safety responsibilities of the position will be taken into consideration when making this determination. An employee requesting time away from work to obtain counseling and rehabilitation may be covered under the guidelines of Family and Medical Leave of Absence. Contact Human Resources for more information.

The City will require a current City employee who was reinstated or retained, to undergo a drug or alcohol test if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours.



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Costs for Testing

The City shall pay the laboratory cost of obtaining all drug and alcohol tests required or provided for in the Policy. In addition, the City shall compensate all employees for time spent during work hours providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by this policy.

Disciplinary Appeal Rights

If an employee's positive test results have been confirmed and disciplinary action, including separation from employment, is taken the employee is entitled to follow the Disciplinary Appeal process (Policy 812) regarding the action taken.

Confidentiality

All information from an employee's drug or alcohol test is confidential. All information related to the drug or alcohol test of an employee will be maintained in the employee's confidential medical file. Anyone disclosing drug test results, as prohibited by this Policy, will be subject to disciplinary action, including and up to separation from employment.

An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or drugs, including any test records. Records shall also be made available when requested by the Secretary of Transportation, DOT agency, National Transportation Safety Board (NTSB), or and State or local officials with regulatory authority over DOT employees.

Test results may only be released to Human Resources, the City Manager, the City's legal counsel, the Substance Abuse Professional or to the decision maker in a lawsuit, Disciplinary Appeal or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test administered under this Policy; from the employer's determination that the employee engaged in conduct prohibited by this Policy; or a request which is otherwise required by law to be released. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

Records shall be made available to a subsequent employer upon receipt of a written request from a previous employee but such disclosure is expressly limited to the terms of the employee's request and the disclosure permitted by law. The City shall maintain



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the information regarding alcohol and drug tests on DOT employees for a minimum period of three (3) years.

Training

Training will be provided on an ongoing basis to both supervisors and staff.

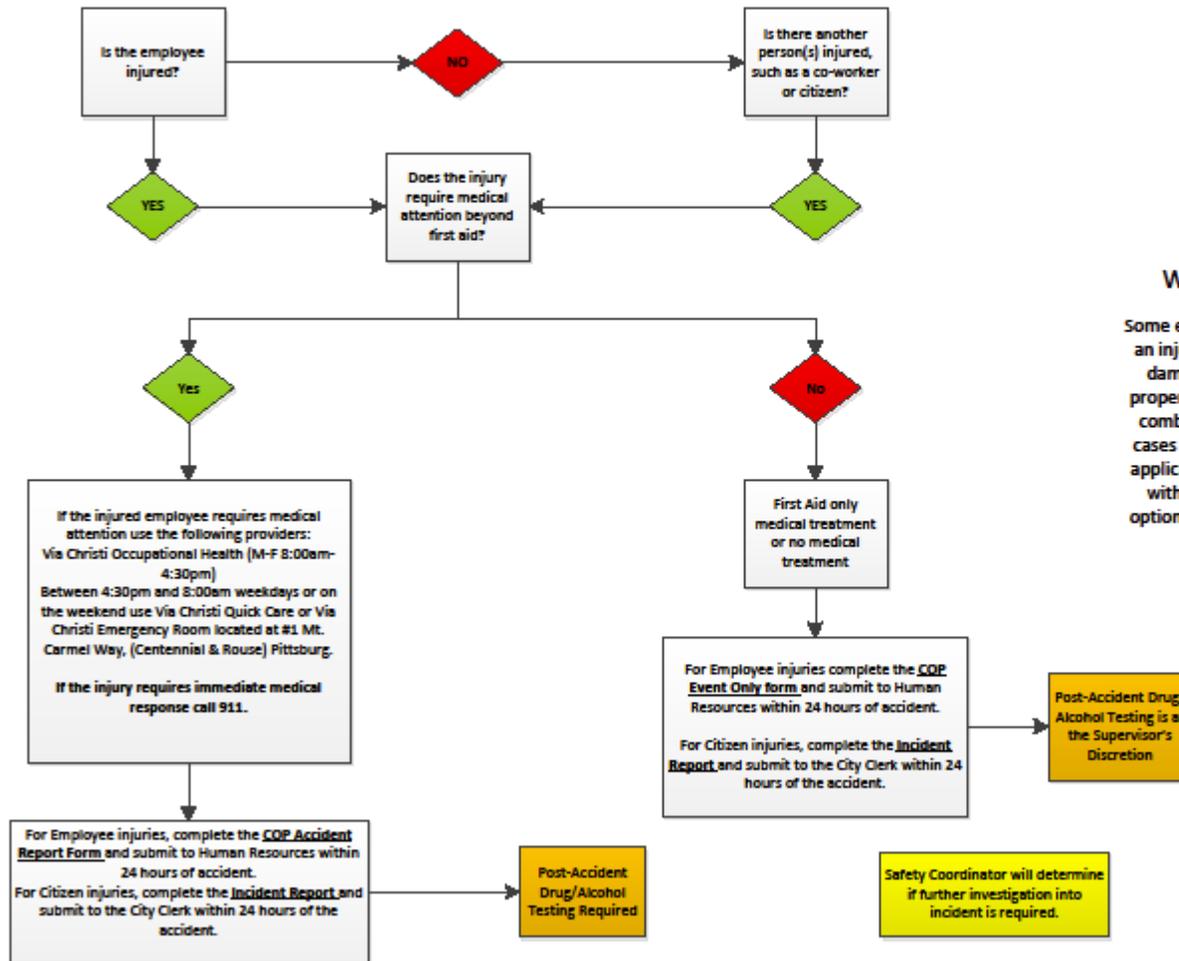
All questions regarding the Drug and Alcohol Policy may be directed to the Human Resources Department.

805 Attachment A

Post-Accident Drug/Alcohol Testing Flowchart for an Injury/Illness resulting from an incident/accident.



Policy 805 Drugs and Alcohol Attachment A Accident Reporting Flowchart



WHAT IF...?

Some events may involve an injury, City property damage and private property damage or any combination; in those cases still complete the applicable forms and go with the more strict option for post-accident testing.

Original 6/2010
Revised 2/2014



805 Attachment B

REASONABLE SUSPICION DRUG/ALCOHOL TESTING SUPERVISOR CHECKLIST

EMPLOYEE _____ LOCATION _____ DATE/TIME _____

A supervisor having reasonable suspicion that an employee is impaired from the use of drugs or alcohol must take immediate, necessary action to ensure that safety is not compromised. The following checklist is provided as a tool to help determine when reasonable-suspicion testing is required.

1. WALKING	<u>COMMENTS & OBSERVATIONS</u>
<input type="checkbox"/> Staggering	_____
<input type="checkbox"/> Stumbling	_____
<input type="checkbox"/> Unable to Walk	_____
<input type="checkbox"/> Falling	_____
2. STANDING	
<input type="checkbox"/> Swaying	_____
<input type="checkbox"/> Rigid	_____
<input type="checkbox"/> Feet wide apart	_____
<input type="checkbox"/> Holding on	_____
3. SPEECH	
<input type="checkbox"/> Slurred	_____
<input type="checkbox"/> Incoherent	_____
<input type="checkbox"/> Shouting	_____
<input type="checkbox"/> Fast	_____
<input type="checkbox"/> Slow	_____
<input type="checkbox"/> Mute	_____
4. ACTIONS	
<input type="checkbox"/> Hostile	_____
<input type="checkbox"/> Drowsy	_____
<input type="checkbox"/> Crying	_____
<input type="checkbox"/> Hyperactive	_____
5. EYES	
<input type="checkbox"/> Bloodshot	_____
<input type="checkbox"/> Constricted Pupils	_____
<input type="checkbox"/> Dilated Pupils	_____
<input type="checkbox"/> Glassy	_____
6. BREATH/ODOR	
<input type="checkbox"/> Alcohol odor	_____
<input type="checkbox"/> Marijuana odor	_____
<input type="checkbox"/> Chemical odor	_____
(i.e. anhydrous ammonia)	

IN CASE OF INCIDENT CALL

SUPERVISOR INFORMATION

Name (*Print*): _____
Phone: _____

Signature: _____

Witness Name: (*Optional*): _____

Witness Signature: _____



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806 - POLITICAL ACTIVITIES

As a citizen, employees have the right to engage in political activity. However, they must do so on their own time, outside of working hours or when on paid time off or leave without pay. Employees may not use their City title, their affiliation with the City, or the City's name, symbols, property, or supplies in political activities. Employees may not display political banners, posters, or literature in City offices or place political bumper stickers or decals on City vehicles. Employees may not request or collect political contributions during working hours.

RELATIONS WITH LEGISLATORS AND ELECTED OFFICIALS

As a citizen, employees have the right to exercise freedom of expression on legislative matters. However, employees should not, unless authorized, attempt to speak on behalf of the City in discussions with members of federal, state or local and county elected officials.

Employees have the right to communicate with elected officials concerning matters related to their job, and cannot be subjected to discipline, reprimands, or notations in their personnel file because they exercised that right. However, if employees intentionally make untrue allegations to an elected official concerning matters related to their job, they may be subject to discipline.



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807 - OUTSIDE EMPLOYMENT

City employees may have outside employment if the following conditions are met:

1. The employment does not constitute a conflict of interest (see Policy 802) and does not interfere with the performance of the employee's regular city job.
2. The work is completed during non-City work time. The work does not involve the use of materials, supplies, equipment, etc. belonging to the City unless the employee's outside employment has contracted with the City for those materials, etc.

Employees considering outside employment must submit a letter to the supervisor and department head for review. A copy of the letter will be returned to the employee and the original will be kept by Human Resources. The City Manager will be notified of any employee engaging in outside employment.

The employee shall always make it clear that the outside employment is his/her own responsibility and that in it he/she does not act as an agent or representative of the City. City facilities or property shall not be used except with the permission of the Department Head, and the payment of appropriate fees may be required.



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808 - HARASSMENT

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Amended Act of 2008, (ADAA).

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Harassment may include offensive conduct, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive



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to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.



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809 - SEXUAL HARASSMENT

It is the policy of the City of Pittsburg to prohibit sexual harassment. The City's prohibition of sexual harassment applies to City employees, and to contractors and others who do business with the City or who use City facilities. The policy prohibiting sexual harassment applies regardless of the gender of the harasser or of the person being harassed. The policy applies to sexual harassment which takes place in any relationship, including both those involving a power differential and those between peers, colleagues, and coworkers.

Sexual harassment of employees is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. The law applies to both the City and to individuals. Those who engage in sexual harassment may be subject to legal consequences, including civil and criminal penalties and monetary damages.

Sexual harassment subverts the mission of the City and threatens the careers and well-being of the organization. In both obvious and subtle ways, sexual harassment is destructive to individuals. Sexual harassment blurs the boundary between professional and personal relationships by introducing a conflicting personal element into what should be a professional situation. When, through fear of reprisal, an employee submits or is pressured to submit to unwanted sexual attention, the City's ability to carry out its mission is seriously undermined.

Sexual harassment in such situations constitutes an abuse of the power inherent in a supervisor's position.

Definitions

Sexual harassment as defined by the U.S. Equal Employment Opportunity Commission consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or written communication of a sexual nature, regardless of where such conduct might occur, when:

- (1) Submission to the conduct is made either implicitly or explicitly a term or condition of an individual's employment with the City or advancement in a program or activity;
- (2) Submission to or rejection of the conduct by an individual is used as the basis for employment affecting that individual; and/or
- (3) The conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile, or offensive working environment.



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Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such elements as coercion, threat, unwanted sexual attention, and/or promises of professional rewards in exchange for sexual favors. Sexual harassment is *unwelcome* behavior. Repeated or continued behavior, even after the individual makes it clear that it is unwanted constitutes sexual harassment. An important **distinction is that sexual harassment must be unwelcome.**

Sexual harassment can take many forms. Most sexual harassment falls into three categories: verbal, physical, and written or visual.

Verbal sexual harassment may include, but is not limited to:

- sexual innuendoes, comments, and suggestive remarks about clothing, a person's body, or sexual activities;
- suggestive or insulting sounds;
- whistling in a suggestive manner;
- humor and jokes about sex;
- Sexual propositions, invitations, or other pressure for sex; and implied or overt threats.

In most cases, a single offensive epithet would not constitute sexual harassment.

Physical sexual harassment may include, but is not limited to:

- patting, pinching, feeling, or any other intentional inappropriate touching;
- brushing against the body;
- making obscene or offensive gestures;
- attempted or actual kissing or fondling;
- Coerced sexual intercourse; and assault.

Written or visual sexual harassment may occur when the following types of materials are directed to a specific individual or when people cannot reasonably avoid seeing them (the list is not inclusive):

- pictures or drawings of a sexual nature;
- sexually derogatory pin ups, posters, cartoons, magazines, or calendars;
- Messages, words, comments, rhymes, or other writing of a sexually derogatory or suggestive nature.
- Electronic transmission; e-mail

NOTE: Some of the forms of harassment described above may constitute criminal behavior.



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CONSENSUAL RELATIONSHIPS

Consensual sexual relationships between supervisors and their employees in some instances may result in charges of sexual harassment.

Consensual relationships may lead other supervisors and coworkers to question the validity of evaluations, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

Administrators, and other supervisory staff should be aware that any sexual involvement with their employees could subject them to formal action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility should it be proven that the power differential between them made the relationship other than fully consensual. Even when both parties have consented to a relationship, it is the administrator, or supervisor who may be held accountable for unprofessional behavior. Other employees may allege that the relationship creates a hostile or abusive environment affecting them.

When a consensual relationship exists between an employee and his or her supervisor, the resulting conflict of interest should be reported to the Department Head.

Responsibility to Report

Any employee and administrator, or visitor who has experienced or witnessed sexual harassment is required to report it. The City must know about incidents of sexual harassment in order to stop them, protect victims, and prevent future incidents.

It is the responsibility of administrators, and supervisors to report complaints of sexual harassment which they receive and of possible sexual harassment of which they become aware.



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Timeframe for Reporting

Sexual harassment should be reported immediately and must be reported within 180 days of its occurrence. However, under compelling circumstances, a delayed report of sexual harassment may be made 180 days after an employee has left his or her current position at the City.

Retaliation Prohibited

City policy and Federal law prohibit any form of retaliation against a person who makes a sexual harassment complaint, participates in an investigation of sexual harassment, or participates in formal grievance or disciplinary procedures. Retaliation against a complainant or witness is, in itself, a violation of City policy and the law, and is a serious separate offense.

False Reports of Sexual Harassment

Willfully making a false report of sexual harassment is a violation of City policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of sexual harassment will be subject to disciplinary action.

Reporting System

Employees may report allegations of sexual harassment to the Human Resources Manager. They may discuss with the HR Manager any situation which they believe may constitute sexual harassment. Reports may be made by the person experiencing the harassment or by a third party, such as a witness to the harassment or someone who is told of the harassment.

Investigation of Complaints

The HR Manager must investigate every allegation of sexual harassment, including informal and third party reports. The investigation shall be appropriate to the complaint, taking into consideration its seriousness, the extent to which it is or can be substantiated, and the nature of the resolution desired by the complainant. The investigation must be initiated within five working days after the complaint is made.

Upon receiving a complaint, the complaint officer will interview the complainant (and the alleged victim if it is a third party report) to compile as much specific information as possible, including the nature of each incident, the time, place, actual or potential witnesses, any actions or other responses to the alleged harassment already taken by



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the complainant, identification of the alleged harasser, and other pertinent facts or allegations.

The HR Manager will explain the City's obligation to investigate and take appropriate corrective action. The HR Manager will meet with the person accused of sexual harassment and present the allegations, indicating whether there are witnesses or other evidence that would appear to substantiate the charge.

Resolution and Grievance Procedures

Individuals who make complaints of sexual harassment and individuals who are accused of sexual harassment are entitled to due process and to a fair and prompt resolution of the complaint. Resolution may be attempted through direct informal action, through an informal resolution process, or through a formal grievance process.

In some instances, it may not be possible to determine whether sexual harassment has occurred. Allegations of sexual harassment which are not eventually substantiated are not necessarily false allegations.

Disclosure

Every possible effort will be made to ensure the confidentiality of information received as part of the City's resolution and grievance procedures. All parties to the complaint will be asked to assist in keeping the complaint confidential. However, the City's obligation to stop sexual harassment means that it cannot fail to take appropriate action and that confidentiality cannot always be guaranteed.

In the interests of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and grievance procedures, except as compelled by law, will be limited to the immediate parties and other appropriate administrative officials.

Disciplinary Action

Disciplinary action up to and including dismissal will be taken against persons found to have engaged in sexual harassment or found to have willfully made a false or frivolous accusation of sexual harassment. The specific disciplinary action will be determined by the nature and seriousness of the offense. In all cases where disciplinary action is recommended, procedures in the *Handbook* are to be followed.



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If a thorough investigation of a complaint substantiates that formal disciplinary action is warranted because either sexual harassment has occurred, or a false report of sexual harassment has been made, the HR Manager will report the findings to the City Manager, who is responsible for initiating disciplinary action. If a formal grievance procedure has been used, a recommendation for disciplinary action may be made by the HR Manager that has heard and made a decision about the grievance. Recommendations for disciplinary action may be appealed, using the appropriate City of Pittsburgh Disciplinary Appeal procedure.

Disciplinary action shall be implemented within thirty days of the notification of the City Manager. The HR Manager will monitor the implementation of the disciplinary process and its timeliness.

Record Keeping

Records will be kept in employee personnel files only if a complaint of sexual harassment is substantiated and disciplinary action is taken. All other records will be kept only for statistical purposes and to document that the City has responded to complaints.

Records maintained by the HR Manager to document that the City has responded to all complaints will include information concerning the receipt of the complaint, the notification of the alleged harasser and his or her response, the steps taken to investigate the complaint, and indicate whether the complaint was substantiated. All written statements obtained, as well as summaries of witness interviews, will be included in the documentation. If the complaint is substantiated, the records will document actions taken to stop the harassment and to remedy its effects. If the complaint is not substantiated, all records pertaining to the complaint will be maintained in confidential files, subject only to legally ordered disclosure. Whether the complaint is substantiated or not, the records will document that all parties have been reminded in writing of the City's policy prohibiting sexual harassment.



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810 - WORKPLACE VIOLENCE

The City is committed to providing a safe workplace that is free from violence or threats of violence. Reports of threatening or violent incidents are taken seriously and dealt with appropriately. Individuals who engage in violent or threatening behavior may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest, and/or criminal prosecution.

Prohibited Behavior

The City does not tolerate behavior that:

1. Is violent
2. Threatens violence
3. Harasses or intimidates others
4. Interferes with an individual's legal rights of movement or expression
5. Disrupts the workplace or the City's ability to provide service to the public

Violent or threatening behavior can include physical acts, oral or written statements, or gestures and expressions.

All employees of the City must cooperate to maintain a safe work environment. Employees should report any incidents of violent, threatening, harassing, or intimidating behavior in the workplace to their supervisor, regardless of whether those involved are City employees or citizens.

Supervisors and managers who receive reports of violent or threatening behavior must notify the head of their department and Human Resources. Human Resources will assist supervisors and managers in their response to allegations of violent or threatening conduct.

Employees, who are particularly uncomfortable with a current or potential situation, should call the Police and ask that they send officers. In cases of physical assault or direct threats of harm to people or property, call 911.

The Safety Committee will review all reports of actual or threatened violence on city premises and will develop an action plan for the safety and security of potentially affected employees, as well as follow-up and review for any incidents. Critical stress debriefing will be provided by professionals as needed.

In case of incidents where buildings may be evacuated employees will be instructed about where to relocate and how to determine when the building may be reoccupied. If the City



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decides not to reopen the building for an extended period of time, employees may be sent home. If a building is not evacuated but the employee feels uncomfortable with the work environment, they may use vacation or compensatory time to cover the time not worked. Employees will be kept informed whenever an incident is made known to the City administration through voice mail messages and e-mail.



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811 - DISCIPLINE

The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the City with the highest possible level of courteous and professional public service.

Disciplinary action may take the form of verbal counseling, written warning, and suspension for a designated period of time or dismissal. Generally speaking, discipline should be **progressive**, although there are serious circumstances that do not require the application of progressive discipline.

In the case of acts of violence, serious safety violations, or criminal offense, any employee may be suspended immediately, with or without pay, pending an investigation and review of the matter by the department head, the H. R. Department and the City Manager.

It is the duty of employees to make a conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the department in which they work. When an employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her supervisor to consider disciplinary actions to correct the problem. An employee is subject to disciplinary action if:

- The employee violates departmental, City, State or Federal policies, procedures and guidelines, laws and regulations;
- The employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations;
- The employee has performed an act of misconduct, or has failed to perform an act which results in misconduct.
- The employee acts in disregard for established safety policies and procedures.

The following types of disciplinary actions may be imposed:

Verbal Counseling - A verbal warning is an oral reprimand for an issue of concern given to an employee by his or her supervisor or department head. Documentation of the warning will be recorded in the employee's file.



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Written Reprimand - A reprimand is written warning intended to define the seriousness of deficiencies in an employee's conduct and/or performance so that the employee may take immediate corrective action. A copy will be retained in the employee's file.

Suspension - A suspension is the removal of an employee from service, with or without pay, for a specific period of time.

Demotion - A demotion is the placement of an employee into a position of a lower pay range.

Termination - is the removal of an employee from City employment.

Procedure for Disciplinary Action - Whenever the actions of an employee occurs that in the judgment of the employee's supervisor or Department Head justifies the application of disciplinary action, other than a verbal warning, the supervisor and/or department head shall:

1. Investigate and document the misconduct in writing on the Disciplinary Action Form.
2. Discuss the misconduct with Human Resources and determine appropriate disciplinary action to correct the issue.
3. Review the misconduct and recommended disciplinary action with the City Manager if warranted.
4. Meet with the employee to review the problem and the proposed disciplinary action. The employee may submit comments in writing to be attached to the record of the disciplinary action.
5. Make a final determination of the disciplinary action to be applied
6. Notify the employee of the action in writing, documentation of the issue and outcome will be retained in the employee's personnel file.
7. Disciplinary action involving suspension, demotion, or termination requires written notification of the employee's right of appeal as outlined in this handbook.



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812 - DISCIPLINARY APPEAL

An employee who receives disciplinary action may ask for an appeal. Appeals are granted to guarantee that the employee has his/her employment concerns reviewed and responded to in a timely and appropriate manner in accordance with established City policies and procedures.

An employee shall not be retaliated against for raising concerns of this nature brought forward with a good faith belief that a problem exists. This procedure is intended to supplement, rather than discourage or replace informal discussion between supervisors and employees. A supervisor should make a reasonable effort to resolve employee concerns outside the formal appeal process.

Eligibility

The provisions of this policy are available to all full and part time employees; however, the provisions of this policy are not available to individuals employed in a temporary status.

An employee who has received disciplinary action or has been involuntarily terminated is eligible to submit an appeal concerning issues related to the discipline or termination within the time constraints noted in the policy. The initiation of the employee appeal process in good faith by an employee who has not been terminated shall not adversely affect his or her standing as an employee. Group appeals are not permitted. A disciplined employee may only appeal the final decision on the following grounds:

1. proof that a substantial procedural error occurred that unreasonably impaired the employee's ability to achieve a fair decision;
2. new evidence of substantive nature, impossible for the supervisor to have heard at the time of the decision, has been discovered; or
3. inappropriateness of the initial sanction(s).

STEPS OF PROCESS - The Employee Appeal Process consists of three steps, which are outlined below. Outside counsel will not be permitted to attend any of the meetings. However, appropriate witnesses may be permitted to attend.



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All formal appeals beginning with Step 2 will be submitted in writing and will receive a written response. The employee submitting an appeal will state the specific response desired to resolve the problem satisfactorily.

Appeals regarding involuntary termination or issue(s) involving the immediate supervisor will be heard directly at Step 2.

Step 1: Supervisory Level

Employee's Role - The employee should verbally present the concern to his/her supervisor within five (5) working days of the final decision for the appeal or from the date the employee learned the cause for the appeal.

Supervisor's Role - The supervisor will respond verbally within five (5) working days.

Step 2: Discipline Appeal Request

Employee's Role - If an employee does not agree with the supervisor's response, he or she should submit a written appeal to his/her department head within five (5) working days of receiving the answer to Step 1. The employee may contact the Human Resources Department, for assistance.

Department Head's Role - The Department Head or his/her designee will review and investigate the facts of the appeal. The Department Head will then arrange and conduct a meeting with the employee, a representative from Human Resources may be present.

Regardless of the outcome of the meeting, the Department Head will provide the employee with a written response, briefly outlining the decision. This response will be delivered to the employee no later than five (5) working days following the meeting.

Step 3: Appeal

If the employee is not satisfied with the decision of the Department Head, he/she will give written notice within five (5) working days of receipt of the Step 2 written response to the City Manager stating his/her request to appeal the decision.

Final Decision



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The City Manager or his/her designee will review the entire record (decision, corrective action, recommendation, appeal process) and issue a final and binding written decision within seven (7) working days. In all cases, the City Manager or his/her designee may affirm, modify or reverse the disciplinary action. The City Manager or designee's decision is final with no right to appeal to the City Commission.



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813 - INFORMAL COMPLAINT RESOLUTION

Employees should make every attempt to resolve problems encountered at work informally, through discussion with the other persons involved, and in a spirit of goodwill and cooperation. If issues are addressed early, they are less likely to escalate into grievances. Supervisors or Department Heads may be able to help in resolution of complaints and other issues informally and with as little disruption and distress as possible.

Employee's responsibility: The employee shall first attempt to resolve the issue informally with his or her immediate supervisor and, as necessary, with the immediate supervisor of her or his immediate supervisor.

Department Head's responsibility: All supervisors, to the best of their ability, are required to inform, listen to, and counsel with employees on all matters affecting them and to resolve informally, if possible, all issues. In the event the informal attempts to resolve the issues are not successful and the employee wishes to pursue the matter, he or she shall initiate a meeting with Human Resources.

Human Resources responsibility: Human Resources shall work with appropriate parties in an attempt to resolve the issue informally. If the process fails to bring about a satisfactory resolution, the employee may initiate the formal grievance procedure.



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814 - GRIEVANCE PROCEDURE

In the event an issue cannot be resolved informally, the following grievance procedure is available to employees. However, items resulting from disciplinary action are not eligible for the grievance procedure. Matters involving the application of or misinterpretation of policies are grievable. All other items should use the informal process or the disciplinary appeal process.

Formal Grievance Procedure

The grievant must contact Human Resources to initiate the formal grievance procedures. The grievant shall submit to Human Resources a written statement of the facts and the resolution sought. The statement must be signed and dated by the grievant. Human Resources shall:

1. Determine if there is grievance as defined above (policy application and misinterpretation).
2. Advise the grievant of the steps to be followed in the formal grievance procedure; and;
3. Advise the grievant of his or her rights to:
 - Use the grievance procedure;
 - Have another City employee present as the representative at all stages of the grievance procedures;
 - Receive release time as necessary to participate in the grievance procedure (the grievant is cautioned about abusing his or her right to release time);
 - Receive copies of all documentation, regardless of form, during all steps of the grievance procedures; and take further action through external remedies when the internal administrative process has been exhausted.

Grievance Procedure – The following steps are to be taken in sequential order for an employee grievance:

1. The aggrieved employee shall first orally present their grievance to their immediate supervisor within three working days of the occurrence. If the grievance is against the supervisor, the employee should contact the Department Head.
2. The supervisor or Department Head as appropriate will answer the aggrieved employee orally within five working days. A sincere attempt should be made by each supervisor/Department Head to resolve any grievance.
3. If, after conferring with their immediate supervisor/Department Head, the aggrieved employee feels that the oral presentation failed to settle the grievance, and the employee desires to proceed further, they must submit their grievance in



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writing to the Human Resources Department within five (5) working days of the oral reply from the immediate supervisor.

4. The Department Head shall furnish the aggrieved employee with a written reply on the same form within five (5) working days from the date of the receipt of the grievance.
5. If, after reviewing the decision, the aggrieved employee is not satisfied with the written reply to the grievant, they must meet with the concerned Department Head and Human Resources within five (5) working days of the receipt of written reply of the Department Head.
6. Human Resources shall within five (5) working days from the date of the said meeting, advise the grievant, in writing, of the decision reached as a result of this meeting.
7. If the employee is not satisfied with this decision, they must within five (5) working days from receipt of written correspondence from Human Resources make written appeal to the City Manager.
8. The City Manager shall then appoint a committee to consider the appeal or grievance of the employee within five (5) working days.
9. The Appeal Committee will be composed of three full-time employees of the City to be chosen by the City Manager; one of whom shall be a Department Head, one a Supervisor and one an employee of Grade 7 or below. The Employee will sign a release waiver and the Appeal Committee members will sign a confidentiality agreement.
10. The Appeal Committee may conduct a hearing if the necessary facts surrounding the grievance are not adequately stated in the written allegations and responses.
11. During the hearing, the grievant and their Department Head shall have the opportunity to testify and present supporting evidence.
12. Within three (3) working days after the conclusion of the hearing, or the Committee's determination that no hearing is necessary, the Appeal Committee shall submit its recommendations, in writing, to the City Manager.
13. Within three (3) working days after receipt of the Committee's recommendation, the City Manager will communicate, in writing, his or her decision to the grievant and their Department Head.
14. The decision of the City Manager **will be final and binding**. No grievance proceedings or findings can advance to the City Commission.

Failure of the aggrieved employee to appeal the grievance to the next higher step, within the time specified, will terminate the grievance, with no right to re-file. Any and all adjustments resulting from the decision of grievances shall be retroactive to the date of the occurrence which initiated the grievance. All correspondence pertaining to this grievance will be a part of the employee grievance file.



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Rights and Responsibilities

Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance shall do his or her part to protect this right.

A grievant, any witness, any other employee involved as a participant in the grievance process, and any member of the grievance committee shall be provided release time from his or her work unit, as necessary, to participate in the grievance process.

If a representative of the City fails to observe the time limits required herein, the grievance shall be deemed to be settled in favor of the grievant. However, the time limits may be extended by the HR Manager, with the approval of the City Manager under unusual circumstances or when such extension is deemed to be in the best interest of the grievant or the City. If an extension is granted, the affected parties will be notified.



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815 - RESIGNATION

Employees should give their supervisor or Department Head as much advance notice as possible of their intent to resign. Except under extenuating circumstances, two weeks written notice is required. Human Resources will assist with the completion of the necessary forms and other steps in the resignation process. If an employee terminates employment with the City voluntarily and with proper notice, he/she may be considered for reemployment at a later date.



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816 - RETIREMENT

There is no mandatory retirement age for any City employee. Employees who are planning to retire should discuss their intentions with their supervisor, as early as possible. Notice provides the employee time to obtain retirement benefit options and provides the department time to properly prepare. Employees should contact KPERS or KPFRS for specific individual information. Health insurance benefits are available if the retiree meets the eligibility requirements as outlined in the plan criteria.



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817 - INVOLUNTARY TERMINATION OF EMPLOYMENT

Kansas is an employment-at-will state. All employees of the City, whether full-time, part-time or other, may have their employment terminated by the City at any time, or be dismissed for cause in accordance with City procedures (Refer to Discipline Policy). If the termination is related to unsatisfactory work performance, the procedures described in the Discipline Policy and documented in Performance Reviews, will be used in making a decision. In situations of a serious nature, such as dishonesty, insubordination, and other incidents of misconduct, or unlawful behavior, the City is not required to use progressive discipline. Refer to Progressive Discipline Policy for more information.

When a supervisor determines that a significant deficiency in work performance exists or misconduct has occurred, which in the judgment of the supervisor or Department Head justifies a recommendation for termination, the Department Head shall:

1. Meet with Human Resources and the City Manager to discuss misconduct or performance deficiency and intent to terminate the affected employee.
2. Notify the employee of intent to terminate and reason(s) justifying the decision.
3. Give the employee an opportunity to refute the facts or argue against the proposed action.
4. Consult with the City Manager and Human Resources;
5. Notify the employee of the outcome in writing;
6. Notify the employee in writing of their right to file a disciplinary appeal.