

# CITY OF ARNOLD PERSONNEL POLICY

## Section 1. INTRODUCTION

### 1.1 INTRODUCTORY STATEMENT

This Personnel Policy is intended to provide employees with information about working conditions, employee benefits and the majority of policies affecting employment. The employee should read, understand and comply with all provisions of the policy. It describes many of the employee's responsibilities and outlines the programs developed by the City of Arnold ("City") to benefit employees.

No personnel policy, however, can anticipate every circumstance or situation that may arise. The City of Arnold reserves the right to revise, supplement, or rescind all or any portion of the policy from time to time as it deems appropriate, unless otherwise prohibited by law. Employees will, of course, be notified of such changes to the policy as they occur.

Due to the importance of the policy and its ability to establish a positive employment relationship between the City and its employees, each employee will be required to sign an Acknowledgment Form indicating the he or she has read and understands the policy and that he or she agrees to abide by its content. The signing of such form is a condition of employment.

### 1.2 NATURE OF EMPLOYMENT

Employment with the City is EMPLOYMENT-AT-WILL and is voluntarily entered into by the employee and the City. The employee is free to resign at will at any time, with or without cause, and/or with or without notice. Similarly, the City may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

The provisions set forth in this policy are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the policy have been developed at the discretion of management and may be amended or canceled at any time, at the City's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Council.

### 1.3 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment opportunities to all individuals, employment decisions at the City will be based on merit, qualifications and abilities. The City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristics protected by law.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship on the City, in accordance with federal and state law. This policy governs all aspects of employment, including employee selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace is required to bring these issues to the attention of the City Administrator, regardless of immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in

any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

#### 1.4 COORDINATION WITH OTHER LAWS & POLICIES

The policies in this personnel policy manual shall be administered in compliance with other federal, state and local laws related to employee health and welfare policies, benefit programs and other related policies of the City of Arnold. In the case of apparent conflicts between this policy manual, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

In the event that any part of this policy manual is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy manual shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring compliance with relevant laws.

## Section 2. DEFINITIONS

#### 2.1 APPOINTING AUTHORITY

The person or body having authority under the laws of the City to appoint individuals to positions of employment within the City is the appointing authority. Unless otherwise specified, the appointing authority shall mean the City Administrator.

#### 2.2 COVERED EMPLOYEES

All employees shall be covered by this Policy, except commissioned police officers, those employees specifically exempt in a given section or subsection, and/or employees covered by provisions that are specifically set forth by statute.

#### 2.3 EMPLOYEE GROUPS

Employees are classified in the following groups:

(a) **INTRODUCTORY EMPLOYEES** (sometimes referred to as probationary employees) are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Introductory employees may work on a full time or part time basis during the introductory period. The introductory period is 6 months unless otherwise stated. At the end of the introductory period, the employee's performance will be reviewed and the employee will be notified of his or her new employment classification.

(b) **EXEMPT EMPLOYEES** are excluded from the specific provisions of federal and state wage and hour laws. Exempt employees are specifically excluded from the following benefits: overtime, compensatory time, minimum call out pay, and attendance incentives. Exempt employees do, however, have certain flexibilities within their work schedules, as may be required to complete assignments, subject to the approval of their immediate supervisor.

(c) **FULL-TIME EMPLOYEES** are those who have successfully completed their introductory period and are regularly scheduled to work a minimum of 32 hours per week for their assigned position. They are eligible to receive the City's benefit package, subject to the terms, conditions, limitations and IRS

regulations of each benefit program. This classification also carries the designation of Non-Exempt and is entitled to receive overtime, compensatory time, minimum call out pay, and other benefits outline herein.

(d) PART-TIME EMPLOYEES are those who have successfully completed their introductory period and are regularly scheduled to work less than 30 hours per week. Part-time employees receive all legally mandated benefits, such as Social Security and Worker's compensation, and may be eligible for pro-rated benefits, including vacation pay.

(e) TEMPORARY EMPLOYEES are those who are engaged for a specific project or a limited period of time with a definite understanding that their employment is to terminate upon completion of the project or at the end of the period, and whose employment is expected to continue for more than three weeks, but not more than one year.

(f) EMERGENCY EMPLOYEES are those who are engaged when an emergency exists in order to prevent stoppage of public service or inconvenience to the public for a period not exceeding 30 days.

(g) SEASONAL EMPLOYEES are those who are engaged for a specific season or term of employment for a limited period of time with the understanding their employment will terminate at the conclusion of the defined term or season.

## 2.4 INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during the introductory period, with or without cause or advance notice.

Unless otherwise specified in writing, all newly hired and rehired employees work on an introductory basis for the first six months after the date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

## 2.5 POLICY REFERENCE MANUAL

A copy of the Policy Reference Manual, which details many of the policies in this book, is available in each department.

# Section 3. HIRING POLICY AND RECRUITMENT

## 3.1 IMMIGRATION LAW COMPLIANCE

The City is committed to employing only United States citizens or aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. The city will utilize the new E-Verify system as prescribed by the U.S. Department of Homeland Security. Former employees who are rehired

must also complete the form. Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Administrator.

### 3.2 PRE-EMPLOYEE DRUG SCREEN & MEDICAL EXAMINATIONS

To help assure that employees are able to perform their duties safely, drug screens and medical examinations shall be required as a condition of employment.

After an offer has been made to an applicant for a designated job category, a drug screen and medical examination shall be performed by a health professional of the City's choice, to be performed at the City's expense. The offer of employment and assignment of duties and responsibilities will be contingent upon satisfactory completion of the medical exam and drug screen.

Rehires will be required to submit to a new medical examination and drug screen if the gap in employment is greater than 6 months.

Current employees may also be required to take drug screens and medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense. The City reserves the right to make determinations as to the need for, or the extent of such examinations.

Information on an employee's medical condition or history will be maintained confidentially. Access to this information will be limited to those who have a legitimate need to know as per HIPPA law.

### 3.3 DRUG / ALCOHOL FREE ENVIRONMENT

The City seeks to provide a safe, healthy and satisfying work environment for its employees and to comply with the federal regulations for a drug/alcohol free work environment. To meet this goal, it is City policy to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work environment free of the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The federal and state regulations governing work place alcohol and controlled substance abuse programs mandate urine drug testing and Breathalyzer alcohol tests for safety sensitive. The federal law also establishes standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality, and certain reporting.

The complete City policy related to drug and alcohol testing is detailed in Section 10 of this policy manual.

### 3.4 LIFE-THREATENING ILLNESSES IN THE WORKPLACE

Employees with life-threatening illnesses, such as but not limited to, cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their medical condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards and as long as the illness cannot be transmitted to other employees through normal work related contact and activities. As in the case of other disabilities, the City will make reasonable accommodations, in accordance with all legal requirements, to allow qualified employees with life-

threatening illnesses to perform the essential functions of their jobs, so long as such accommodations do not place an undue hardship on the City.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers, supervisors and other employees have the responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

### 3.5 RECRUITMENT

The City strives to offer employment to the most qualified candidates. Upon the creation of a full time permanent vacancy as a result of the resignation, discharge, retirement or other termination of an employee, or upon the creation of a new position, the following procedure shall be followed in filling the vacancy.

(a) Vacancies shall be posted in all places used to bring items of interest to the attention of employees of the City and through announcements in newspapers, trade publications, placement services or local educational institutions. Any employee of the City, if qualified for appointment to the vacancy, may apply for appointment to the vacancy involved.

(b) If the vacancy is not filled as a result the above listed process, the City may solicit applicants through applications kept on file that were submitted for previous vacancies.

### 3.6 EMPLOYMENT REFERENCE CHECKS

To ensure that employees are well qualified and have a strong potential to be productive and successful, it is City policy to check the previous employment references and data of all applicants. Falsification of employment references and data by any applicant or employee will constitute grounds for refusal to hire and/or termination of the applicant or employee.

Likewise, the City Administrator will respond to both written and oral reference inquiries, but will confirm only dates of employment, wage or salary rates, and position(s) held. Unless otherwise required by law, no other employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

### 3.7 DRIVING RECORD EVALUATION/CRIMINAL BACKGROUND CHECKS

All employees required to drive a vehicle for business purposes are required to have a current valid drivers license of the proper classification and submit to a criminal background check.

The City will check and evaluate the previous driving record and criminal history of all applicants for positions, prior to extending an offer of employment. This evaluation is conducted to assure that individuals meet the requirements of the job description. Some positions, as a condition of employment require employees to drive a vehicle and demonstrate a willingness to obey traffic laws, practice defensive driving techniques, will not endanger the lives of others and will be defensible in the event that they become involved in an accident. The City will also carefully review any criminal convictions, arrests and other police records to ascertain the appropriateness of candidates for the position for which they have applied.

It is City policy to annually check and evaluate the driving record of all employees required to drive a vehicle as a condition of employment. The City reserves the right, in its sole discretion, to determine what constitutes a safe driving record.

As a condition of employment, all employees required to drive a vehicle for business purposes are required to report any vehicle accident in which they are involved, on or off the job, to the law enforcement agency of jurisdiction at the time of the accident and to their immediate supervisor within 72 hours. Likewise, all such employees are required to report any moving traffic violation for which they are charged, on or off the job, to their immediate supervisor within 72 hours of such violation.

### 3.8 EMPLOYMENT APPLICATIONS

The City relies upon the accuracy of information contained in the employment application and the applicant's resume, as well as the accuracy of other data presented throughout the hiring process and subsequent employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### 3.9 JOB DESCRIPTION

The City Administrator with the assistance of the Department Head shall, for each classification, prepare and maintain a job description, which shall include a job title, classification of exempt or nonexempt description of duties, desirable knowledge, skills, and abilities, any special requirements, examples of work, and related information.

### 3.10 RECOMMENDATIONS AND APPOINTMENTS

Department Heads shall examine applications and applicants for employment and recommend applicants for appointment to vacancies within their departments. Appointments shall be made on the basis of ability, training and experience without regard to age, race, religion, gender, handicap or any other protected status. The appointing authority shall make appointments.

### 3.11 RELATIVES OF ELECTED OFFICIALS

- (a) The mayor shall not appoint and the city council shall not confirm a relative of the mayor or the city council or any other elected official to serve in any appointed position as an employee.
- (b) The mayor is authorized to employ a secretary who shall serve as a confidential employee to the mayor. The secretary shall perform such duties as shall be assigned by the mayor. The rules established in the personnel manual regarding classification, pay appointment, separation, counseling and discipline, and appeals procedures shall not apply to such employee. The council may, as part of the annual budget, appropriate such funds as it deems necessary for the funding of this position, consistent with the compensation policies of the city.
- (c) No other appointing authority within the city shall appoint or hire a relative of the mayor or city council or any other elected official to serve in any position as an employee of the city.
- (d) For purposes of this subsection, the term "relative" shall include spouse, parent, child, grandchild, brother, sister, step-parent, step-child, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law.

### 3.12 RELATIVES OF EMPLOYEES

An employee shall not be allowed to hire, supervise, evaluate, determine salary level, or promote a member of the employee's family or spouse's family (as defined in Section 3.1) or have an influence over these decisions.

## Section 4. COMPENSATION

### 4.1 CLASSIFICATION AND PAY PLAN

The City Administrator shall prepare and recommend an equitable classification and pay plan to the Mayor and Council. The plan shall provide a schedule of numbered pay grades with each grade consisting of a range of pay rates. The plan shall classify all full-time, part-time and seasonal positions covered by these rules based upon the duties and responsibilities of positions and the qualifications, experience and training that are necessary or desirable for each classification. The plan shall assign each position to a pay grade. In assigning positions to pay grades, the City Administrator shall consider the pay rates for comparable work in other public and private employment, the requisite qualifications and responsibilities of each position, and the City's financial condition and policies.

### 4.2 ADOPTION AND AMENDMENT OF CLASSIFICATION AND PAY PLAN

The classification and pay plan, as recommended by the City Administrator, shall be submitted to the Mayor and Council for adoption, with or without modification by resolution. After adoption of the resolution, no position covered by the plan shall be assigned a pay rate higher than the maximum or lower than the minimum pay assigned to the position, except as provided in this section. The classification and pay plan may be amended or revised by amending the resolution adopting it, or by repealing that resolution and adopting a new resolution on the same subject.

### 4.3 STARTING RATE OF PAY

A new employee of the City shall normally be paid at the minimum rate for the class of position to which he or she is appointed, however:

- (a) If an applicant has exceptional qualifications, the person may be employed at a pay step above the minimum for the position to which he or she is appointed, but this appointment at the higher rate must be recommended by the appointing authority and approved by the Mayor and Council. The appointing authority may only hire above the minimum rate through Step #3.
- (b) If it is necessary to appoint a new employee to a position for which he or she is not qualified, that person may be employed at a level below the minimum for the position.

### 4.4 ADVANCEMENTS IN PAY

- (a) Initial Pay Increase. All newly hired or rehired employees shall be advanced one-half pay step above their starting pay upon satisfactory completion of their introductory period of employment, except an employee whose starting pay was established pursuant to Section 4.3.a of these regulations.
- (b) Merit Pay Increase. Advancement in a pay range beyond that described in Sections 4.3.a and 4.4.a of these regulations shall be made only after an annual performance evaluation by the appointing authority. Said performance evaluation shall consider such matters as personnel records, punctuality, performance, length of service and recommendation of immediate supervisor or department head, with major emphasis on evaluation of services rendered. Employee performance will be evaluated annually and will be eligible

for an increase in pay effective on the anniversary of the employee's date-of-hire, so long as the employee has not attained top-of-scale within the assigned pay range.

(c) Special Merit Pay Increase. In unusual cases where an employee demonstrates exceptional ability and proficiency in the performance of his or her duties, the employee may be advanced to the next higher step in the assigned pay range after serving less than 12 months in the current pay step, but all such advancements shall be subject to the approval of the Mayor and Council.

#### 4.5 REHIRED EMPLOYEES

Former employees of the City, regardless of time since separation, shall be required to compete for a position with any other qualified individuals. No retroactive reinstatement of former benefits shall be given in the event a former employee is re-hired; and eligibility for advanced accruals of leave, based on longevity, shall begin with the last date of hire and not total time with the City.

#### 4.6 PROMOTIONS

When an employee is promoted to a position in a higher classification on the classification/pay plan, the employee's rate of pay shall be increased to an amount within the pay range established for the newly assigned position. The employee shall retain his or her original anniversary date-of-hire for purposes of being considered for a merit pay increase.

#### 4.7 RECLASSIFICATIONS

When an employee's position is reclassified, the employee's rate of pay shall be adjusted to an amount within the pay range to which the position has been reclassified. The employee shall retain his or her original anniversary date-of-hire for purposes of being considered for a merit pay increase.

#### 4.8 TRANSFER OR DEMOTION

The rate of pay of an employee transferred to another position of the same pay grade shall remain unchanged. The rate of pay of an employee demoted to a position of lower grade shall be reduced to a step within the pay grade to which he or she is demoted.

#### 4.9 PAY AND ALLOWANCES GENERALLY

Rates of pay are gross and represent total compensation for service. No employee shall be due additional compensation as a result of any reasonable variation in the work schedule by which scheduled hours are worked.

#### 4.10 PAY PERIODS

City employees are paid every other Wednesday. The bi-weekly pay period starts on a Saturday and ends on a Friday. Although direct deposit is mandatory, employees may choose to what bank(s) or financial institution(s) they wish to disburse their money.

#### 4.11 OVERTIME

Overtime shall be paid at the rate of time and one-half in accordance with the provisions of the Fair Labor Standards Act (FLSA). Approved vacation, personal leave and sick time as long as not used the day after overtime is earned, will be considered hours worked for purposes of overtime compensation. Overtime shall only be worked when authorized by the employee's immediate supervisor or department head and

approved by the appointing authority. Any employee classified as an EXEMPT employee shall not be eligible for overtime pay.

Employees scheduled to work on a designated holiday shall be paid at time and one-half for all hours worked during their regularly scheduled shift on that holiday and shall also receive holiday pay, which is equivalent to the standard rate of pay for a period of eight hours.

#### 4.12 MINIMUM CALL-OUT

A full-time, non-EXEMPT employee called out to work on the employee's day off or after the completion of the employee's regularly scheduled work day, shall be compensated for a minimum of two hours figured at the overtime rate of pay. This benefit does not apply to regularly scheduled overtime, but is meant to include specific call outs.

#### 4.13 ON-CALL ASSIGNMENT

The Department Head or City Administrator may from time to time, designate certain employees for "on-call" duty, such that employees are available to work at times designated outside their regular work hours as may be required by the City. Employees will be compensated of four additional hours of pay per week, at the employee's regular hourly rate, in addition to the hourly pay the employee receives for the performance of "on-call" work.

#### 4.14 COMPENSATION TIME

When a full-time non-exempt employee works overtime hours, the employee will be paid for those hours or may elect to take equivalent time off instead of overtime pay. Comp time may be taken in lieu of overtime if said employee's direct supervisor approves. In some circumstances comp time may be offered for special work arrangements as approved by the City Council or the appointing authority. Comp time will accrue at 1.5 times the actual hours worked and employees may only bank 100 hours at any one time.

#### 4.15 TRAVELING EXPENSES

Department heads shall have the authority to approve travel for employees within their department, taking into consideration budget amounts appropriated for this purpose. Administrative staff and elected officials shall be presumed to have authorization to travel under this policy in the performance of their duties and for the benefit of the City. Travel expenses shall be approved as provided herein.

Officers and employees will be reimbursed for reasonable and necessary expenses incurred in carrying out authorized assignments and in representing the City in matters of interest to fulfill their duties. Submissions of "Travel Expense Reports," duly itemized, substantiated, and in compliance with the guidelines set forth, are a condition of reimbursement unless the meals per diem is used.

All reimbursements must be accounted for with properly approved Travel Expense reports, which must be approved in accordance with the following:

|                                     |                                |
|-------------------------------------|--------------------------------|
| Supervisors and Line Personnel      | Approved by Department Head    |
| Non-elected Department Heads        | Approved by City Administrator |
| Elected Officials                   | Approved by Mayor              |
| City Administrator and Police Chief | Approved by Mayor              |
| Mayor                               | Approved by Treasurer          |

The following list is not all-inclusive, but is intended to show frequently encountered items of expense and their treatment:

Transportation Purchased: Points of travel and amounts must be shown. Receipts shall be attached for all tickets. The City will reimburse the employee for either gas or mileage (not both).

Hotel/Motel Room Expense: Lodging at first-class hotels or motels with standard accommodations and charging reasonable rates are recommended. Receipts shall be attached.

Telephone Expense: Reimbursement is made for telephone or other communications cost incurred in the performance of City duties and up to \$5 of personal calls per day. Charges should be detailed, showing the phone number of each call. Officers charging toll expenses from resident telephones must support such charges, showing the nature of the call and persons involved.

Meals: Expenses for meals for overnight travel including tips and related taxes, shall not exceed a \$50.00 per diem. If an employee wishes to be reimbursed for actual up to the maximum \$50.00 per travel day expenses and not receive the per diem they must furnish a detailed receipt for all meals (the City requires the entire receipt for the meal; including date, place and time). If an employee is traveling and some meals are provided or some portion of the full day per diem is not needed those amounts shall be reduced from the per diem at the rate below;

|           |         |
|-----------|---------|
| Breakfast | \$10.00 |
| Lunch     | \$15.00 |
| Dinner    | \$25.00 |

Business Meals and Entertainment: If in the performance of duties, it is advantageous to the City to entertain contacts, the employee's meals will be included. Explanation must be made on the "Travel Expense Report" showing name of person, name or organization they represent, reason for entertainment, amount, and date. A receipt shall be attached for all expenditures.

Use of Personal vehicle on City Business: Reimbursement for authorized use of a personal automobile or pickup truck will be made at the then current "standard mileage rate" as set by the Internal Revenue Service. Any motorized, two-wheel vehicle shall be reimbursed at one-half the rate for an automobile. Points of travel and daily mileage should be shown. Also, tolls on bridges and roadways and parking expenses are reimbursable. The daily amount should be detailed. If an employee can fly but decides to drive, mileage will not exceed cost of a plane ticket.

Rental Cars: Rental charges and expenses for short-term rental cars are entered in the "Transportation" space on the report and points of travel and/or cities involved will be shown. "Full Coverage Insurance" at an additional charge is not required or reimbursable. Receipts for rentals shall be attached.

Tips: The City will pay a maximum of 15% tip for meals when an employee is seeking reimbursement (not using the per diem), however, this is included in the \$50 daily allowance.

Miscellaneous: Group miscellaneous items on the face of the report and show detail on reverse side.

Submission of travel expense reports duly itemized, substantiated and in compliance with the guidelines set forth within this procedure, is a condition of reimbursement. In lieu of a duly itemized and substantiated travel expense report, no checks shall be prepared for reimbursement without specific approved authorization by resolution from the Council. No exceptions shall be made.

Advances for travel should be reasonable, based on length of time and purpose of trip. Approval for advances shall be the same as requirements listed above. When an employee receives an advance for a conference or seminar, upon returning, an expense report shall be completed, approved by the department head and returned to the City, along with any excess money advanced as soon as possible.

The City will only reimburse allowable employee expenses. Costs incurred for a spouse or other persons are not reimbursable.

The Finance Director shall audit and verify mathematical calculations on all travel expense reports.

#### 4.16 UNIFORM ALLOWANCE

The Department Head will provide employees required to wear uniform clothing with such clothing allocations as deemed appropriate. If allocations are provided, the employee shall be required to wear the uniform clothing and to return the full allocation of garments upon separation from City service. The City shall replace uniform clothing damaged through natural wear on the job, but not due to negligence by the employee. The employee shall wear uniform clothing only in route to and from work and while on duty.

The City Administrator with approval from the Mayor may establish clothing allowances where deemed appropriate in lieu of providing uniforms. In such instances, the employee shall be fully responsible for all maintenance and replacement of uniforms or clothing.

#### 4.17 DEDUCTIONS

The Finance Director is authorized to make established deductions from an employee's gross pay to cover Federal, State, or City income taxes, contributions for retirement systems, and for employee group life, hospitalization and surgical insurance premiums. With the authorization of the employee, the Finance Director shall also make payroll deductions for voluntary benefit programs.

## Section 5. LEAVE BENEFITS

### 5.1 PROCEDURE TO REQUEST LEAVE

Employees requesting a leave of absence for any reason must make a request in writing to the immediate supervisor. The Finance Department shall determine whether the employee has sufficient accumulated leave to meet the request.

### 5.2 VACATION LEAVE

Vacation is accrued at the time it is earned and may be used after successful completion of the introductory period. Full-time employees earn two weeks of paid vacation per year for the first five years. After five years of employment, employees earn three weeks of paid vacation. After 14 years, employees earn four weeks of paid vacation. Employees may use vacation time after it is awarded to their vacation leave bank labeled "Current Vacation."

### 5.3 PERSONAL DAY

Full-time employees shall be granted one personal day with pay on January 1 of each year, which can be taken during the calendar year for any purpose. Unused personal days expire at the end of each calendar year.

### 5.4 SICK LEAVE

All full-time employees will receive eight (8) hours of sick leave for each full month of service, equal to twelve (12) days per year. Physician's certification will be required for employee illness extending beyond 24 concurrent work hours.

In the event, that an employee has more than 6 sick incidents within a calendar year, the employee will be required to obtain a physician certification before being allowed to return to work. An incident is defined as a separate block of sick leave used at one time. This becomes effective as of 01-01-2013.

Sick leave may be used by the employee to care for sick family members, limited to a parent, step-parent, spouse, child or step-child. In the event that an employee requests sick leave to care for an eligible family member, the request shall be supported with a statement from a physician for the ailing family member indicating the need for care.

#### 5.5 SICK LEAVE BUY BACK

On an annual basis, employees with accumulated sick leave balances greater than 120 days are eligible to sell up to five (5) days at \$50.00 per day. The employee's sick leave balance after the sale of sick days shall not be less than 120 days. The buy back will be paid in January each year.

#### 5.6 SICK LEAVE DONATION PROGRAM

Donation of sick leave to other city employees will allow eligible employees to donate accrued sick leave for use by a city employee who is suffering from, or has a relative or household member suffering from, an extraordinary or severe illness, and injury, impairment of physical or mental condition.

This policy shall apply when a regular full-time employee has exhausted all forms of paid leave i.e., vacation, sick leave, holidays, and comp time. An extraordinary or severe illness, injury or impairment of physical or mental condition is one, which is likely to result in an extended disability based on medical evidence as provided by a physician's letter.

In the event an extraordinary or severe illness, injury impairment of physical or mental condition occurs, where an employee determines that he/she is in need of additional paid leave, he/she shall make a request for donated sick leave to the employee's Department Head.

The Department Head will notify the City Administrator, who will then post a notice that donations of sick leave time are needed to assist the requesting employee. If an employee wishes to donate a portion of his/her accrued sick leave to another employee, a written request will be submitted specifying the name of the receiving employee, and the amount of hours he or she wishes to donate, and shall forward this to the City Administrator. If the sick leave depleted employee, makes no request, but a co-worker wishes to donate a portion of his/her accrued sick leave to that employee, a written request offering to make a sick leave donation will be submitted specifying the name of the receiving employee, and the amount of hours the donor employee wishes to donate, and shall forward this to the City Administrator. The donation shall be on an hour-for-hour basis without any salary conversion. The employee receiving the donated hours will receive no compensation or monetary conversion to benefits.

Time off cannot exceed FMLA guidelines.

#### 5.7 JOB INCURRED ILLNESS OR INJURY LEAVE

Employees shall report all injuries or illnesses to the department supervisor. Supervisors should contact either the finance department or the city administrator immediately for authorization and arrangements for medical treatment.

Any Release From Work form authorized by the attending physician should be delivered back to the department head. Departments should forward the original Release From Work form to the Finance Department as soon as possible after an injury.

All providers of medical services for job related injuries must be pre-authorized. Doctors will be chosen from a pool of doctors authorized by the worker's compensation insurance carrier.

Non-compliance with the procedures detailed above may result in denial of worker's compensation benefits for an injury.

## 5.8 WORKER'S COMPENSATION

All full-time employees involved in a job related illness or injury may receive worker's compensation subject to the conditions of this subsection.

The first three days of absence from work due to an illness or injury incurred on the job shall be charged against the employee's sick leave. Worker's Compensation will pick up after the third day of absence and their checks are equal to approximately two-thirds of an employee's gross pay bi-weekly. In some instances, when an employee returns on light duty (if available) workers compensation will pay two-thirds difference between his normal gross pay and the pay earned for the light duty job.

Effective March 1, 2009, the city is discontinuing its practice of supplementing worker's compensation. This policy is in accordance to the State of Missouri workers Compensation Law.

## 5.9 TEMPORARY TRANSITIONAL DUTY POLICY

Temporary transitional-duty assignments, when available, are for employees who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative assignments. Use of temporary transitional duty can provide employees with an opportunity to remain productive and return to work before he/she has reached maximum medical improvement for his/her regular assignment.. This provides a work option for employees who may otherwise risk their health/safety or the health/safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the City that eligible personnel be given a reasonable opportunity to work in temporary transitional-duty assignments where available and consistent with this policy, at the rate of pay compensated with the temporarily assignment.

The complete City policy related to temporary transitional duty is detailed in the Policy Reference Manual.

## 5.10 EMERGENCY LEAVE

Employees may, with the approval of the City Administrator, be given up to three (3) weeks leave without pay and without loss of other leave for the following purposes:

Extreme extenuating circumstances that may threaten the health and/or family welfare of the immediate family, such as: household fire, storm damage, flooding, etc. This provision does not allow use for situations such as transportation problems, auto repairs, babysitting, or similar non-critical obligations of the employee.

## 5.11 FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act (FMLA), an eligible employee may take up to 12 weeks of job protected unpaid leave under this Policy in a 12-month period. For any leave taken in accordance with this Policy, an employee is allowed to use accrued vacation or sick leave for all or a portion of the FMLA leave if they desire.

Leave may be taken for any of the following reasons.

- (a) To care for an adopted, foster care, or newborn child;
- (b) To care for the employee's spouse, son, daughter, or parent with a serious health condition; or
- (c) Because of an employee's own serious health condition that makes the employee unable to work or perform the essential functions of the employee's job.

The complete City policy related to family and medical leave is detailed in the Policy Reference Manual.

## 5.12 MILITARY LEAVE

### Military Training

Employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or the National Guard, will be granted a leave of absence without loss of time, pay, regular leave, impairment of efficiency rating, or any other benefits to which they may otherwise be entitled, upon proper application through the department to the Finance Director for the duration of said period of annual training not to exceed 15 working days in any calendar year.

### **Family Leave Due to Call to Active Duty**

Employees also are entitled to FMLA leave due to a “qualifying exigency” arising out of the fact that a spouse, son, daughter, or parent is on active duty or has been called or notified about an impending order to active duty in support of a contingency operation. Contingency operations involve action, operations or hostilities against enemies of the United States or opposing forces or active duty during a war or national emergency. Because a “qualifying exigency.” In the meantime, the DOL encourages employers to provide this form of leave (although it is difficult to do so without further guidance).

The majority of the current definitions, eligibility and procedural requirements of the FMLA will apply to these two new forms of FMLA leave. In addition, the combines total leave time for these two forms of leave may not exceed 26 weeks in a 12-month period.

### **Eligibility to take FMLA leave, in general**

- Your employer employs 50 or more people within 75 miles of your job site.
- You have worked for the employer for “12 months”.
- You have worked at least 1250 hours in the previous 12 months.
- You have not already used up your leave entitlement during the 12 months measuring period established by your employer.

Leave may be taken for any of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster child.

3. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son daughter, or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency (as the Secretary shall, by regulations, determine) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

#### Active Duty

In the event an employee who is a member of the National Guard or the Reserved Armed Forces is called to active military service during time of war or national crises, such employee will continue to receive compensation from the city in an amount equal to 80% of the difference between the employee's base pay at the time of activation and the employee's military pay for active duty for a period not to exceed 12 consecutive months. In addition, the City will continue to pay the employee's group health premiums for up to 12 consecutive months and other benefits as required by the Uniformed Services Employment and Re-employment Act of 1994 (USERRA). The employee shall provide the City with a copy of official orders regarding their military service and verification of their military pay for active duty.

#### 5.13 FUNERAL LEAVE

In the event of the death of an immediate family member, a full-time employee may be granted up to three workdays of paid leave to attend the funeral of that family member. The purpose of this leave is for funeral attendance and related memorial services and is not to be used for attending to matters pertaining to settlement of the estate or business affairs of the deceased. Immediate family for the purpose of this section is defined as: spouse, child, brother, sister, parent, foster-parent, father-in-law, mother-in-law, daughter-in-law, son-in-law, grandparent, grandchild, stepchild, stepparent, or significant other permanently living in the same home. Funeral leave may be granted for other relatives upon the approval of the City Administrator.

#### 5.14 JURY LEAVE

An employee may be granted leave with pay when required to be absent from work for jury duty or as a subpoenaed trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal city pay. In both instances the employee's supervisor shall be advised of the leave time and dates and provided a copy of the summons.

#### 5.15 OFFICIAL DUTY LEAVE

Leaves with pay may be authorized for regular full-time employees to attend official meetings relative to their duties, if the City Administrator approves such leave. Leave with pay may also be granted for the purpose of allowing a regular full-time employee to engage in official training courses or to participate in other official activities.

#### 5.16 VOTING TIME

Any employee eligible and registered to vote in any election held within this state, or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty), which would allow three hours of voting time between the time of opening and the time

of closing the polls. This section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which the employee is not on duty. The authorized supervisor may specify any three hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one hour of paid on-duty time for each Election Day. Twenty-four hour notice shall be given to employee's direct supervisor if said employee has requested to take time off to vote.

#### 5.16.5 EMERGENCY CLOSINGS

Under extraordinary circumstances, the City Administrator or the Chief of Police may make the decision to close some non-essential city facilities due to emergencies such as weather, power outage, or natural disaster. However, all city employees are expected to assist in the emergency operations plan as they are able and assigned. The continuation of critical services is paramount to the city and will be maintained by use of any and all personnel the City has in their resources. If a person is assigned a task or duty that is beyond their personal ability they should request a reassignment. In the case that some employees cannot fulfill tasks associated with the emergency they may be sent home with pay. However, they are expected to contact their immediate supervisor each subsequent workday thereafter in case other work assignments have been arranged. Failure to do so may result in disciplinary action and loss of pay.

#### 5.17 LEAVE OF ABSENCE WITHOUT PAY

The City Administrator may grant a full-time employee a leave of absence without pay not to exceed one year. Leave without pay shall be granted only when it will not result in undue prejudice to the interests of the City. No leave shall be granted primarily in the interest of the employee. Whenever granted, such leave shall be in writing and signed by the City Administrator and a copy placed in the personnel file of the employee. Upon expiration of a leave without pay the employee shall be reinstated to the position held when leave was granted. Failure of the employee on leave to report promptly upon the expiration of leave or within a reasonable time after being notified to return from leave shall be cause for termination of employment.

#### 5.18 MATERNITY – PATERNITY LEAVE

Employees who become pregnant shall be granted up to 12 weeks of unpaid maternity leave (as per FMLA). An employee has the option of using sick leave for this purpose equal to the number of days the employee has accrued as of the beginning date of the maternity leave. Paternity leave of two weeks shall be granted to eligible employees, FMLA leave can still be used but may not exceed 12 weeks total. Employees wishing to use paternity leave may use any accrued leave to be eligible for this benefit.

#### 5.19 HOLIDAYS

All full-time and exempt employees shall be entitled to 11 1/2 holidays per year for which they shall receive full pay at their standard rate. In order for an employee to receive pay for a holiday, that employee must have been present at work on the work day immediately preceding and following the holiday, or have an approved leave of absence with pay for the day or days absent.

Authorized holidays shall include:

Martin Luther King, Jr. Day  
President's Day  
Good Friday (1/2 Day)  
Truman's Birthday

Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve (1/2 Day)  
Christmas Day

Memorial Day  
Independence Day  
Labor Day

New Year's Eve (1/2 Day)  
New Year's Day

Requests for time off for religious observances, except as provided on the City's holiday schedule, will be treated on an individual basis, and accommodation will be afforded so long as such can be accomplished without undue hardship to the City's operations.

## Section 6. OTHER EMPLOYEE BENEFITS

### 6.1 BENEFITS

Following are brief descriptions of employee benefit plans. The employee benefit plans may be changed or terminated at the discretion of the City. In the event of a conflict between a statement in this handbook and the master insurance contract, the master insurance contract will govern in all cases.

### 6.2 HEALTH INSURANCE

Group health insurance is provided for full-time City employees. For employees hired before March 1, 2010 the City pays 100% of the monthly premiums for full-time employees (working at least 32 hours per week), their spouses and their dependents. For employees hired after March 4, 2010 the City pays 100% of the premium for full-time employees (working at least 32 hours per week), and 75% of the monthly premium their spouses and their dependents. Plan details are available from the Finance Department.

A voluntary preventive dental and vision insurance are available for employees and their families. Monthly fees are deducted directly from an employee's paycheck. To participate in the program, employees must enroll within two weeks from the date of hire or during the annual enrollment period. All eligible employees hired after March 4, 2010, will no longer be allowed to purchase, at their expense, health insurance from the city's provider post retirement. All existing employees will continue to receive the same benefits as before.

### 6.3 FLEXIBLE SPENDING ACCOUNT

A health care reimbursement plan allows employees to set aside pre-tax dollars from their paycheck to cover eligible health care expenses not reimbursed by any medical, dental, or vision plan. The plan also allows a family to earmark a certain amount of income to pay for dependent care expenses. The amount deducted is not subject to federal, state or FICA taxes. The enrollment period occurs at the end each year for the following calendar year.

### 6.4 LIFE INSURANCE

**Life Insurance:** The City provides \$40,000.00 group life coverage with an additional \$40,000 Death and Dismemberment and a \$20,000 Occupation Assault rider for a total of \$100,000 coverage. Insurance coverage reduces by 35% at the age of 65 years, 50% at the age of 70 years, and 50% at the age of 75 years. The employee may elect to purchase additional Life Insurance under this policy.

### 6.5 DEFERRED COMPENSATION (457) PLAN

Employees are eligible for a benefit program that offers an opportunity to save money for retirement and reduce current tax liability. The voluntary pre-tax savings plan allows employees to set aside a share of their compensation before it is subject to federal or state income tax. The contributions are automatically deducted from an employee's paycheck. The employee self-directs the investment of his or her deferred compensation funds. Employees can enroll in the Deferred Compensation Plan at any time.

#### 6.6 TUITION REIMBURSEMENT

- (a) Only full-time non-introductory employees shall be eligible to participate in the program.
- (b) The course (of study) must be job related and in the field of employment.
- (c) All courses must be approved by the appropriate Department Head and the City Administrator.
- (d) For undergraduate or associates level college coursework the city shall reimburse the employee for registration, tuition, and books at a rate of 100% for grades "A" or "B". Reimbursement is 50% for a grade of "C". No reimbursement will be given for a grade of "D" or "F". If a pass/fail or satisfactory/unsatisfactory system is used, "pass" or "satisfactory" will qualify for reimbursement.
- (e) For post graduate or masters level college coursework the city shall reimburse the employee for registration, tuition, and books at a rate of 100% for grades "A" or "B". No reimbursement will be given for a grade of "C", "D" or "F".
- (f) Only 12 credit hours per semester will be reimbursed at an amount equal to the credit hour rate at the University of Missouri-St. Louis.
- (g) If an employee leaves city employment within two (2) years of tuition reimbursed course work, the employee shall reimburse the City for all tuition reimbursements within the two (2) years immediately preceding the employee's last day of employment.

#### 6.7 PROFESSIONAL DUES PAYMENT

Employees may, with the approval of their Department Head, have professional organization dues payment made by the City, provided that the membership benefits the employee in completing assigned duties and responsibilities.

#### 6.8 LONGEVITY PAY

A longevity pay plan has been established for all full-time employees. A longevity payment will be made to the qualifying employee subsequent to his/her anniversary date upon attainment of the required years of service. The longevity pay will be paid only in the years set forth and shall not affect the base salary of said employee.

10 years service – 4% of base salary  
Every 5<sup>th</sup> year thereafter – 4% of base salary

#### 6.9 LONG-TERM DISABILITY

Long-Term Disability coverage is provided by the city for all employees who have completed their six-month introductory period. The plan provides benefits for illness or injury occurring only off the job. Presently the long-term disability benefit is 60% of gross pay to a maximum of \$1,000.00 per week with benefits beginning on day 91 of the qualifying event and ending upon the sooner of return to work or

other benefits that are eligible for the employee. An employee is prohibited from receiving sick leave benefits and long-term disability benefits at the same time.” This becomes effective as of 01-01-2013.

#### 6.95 COBRA PAYMENTS AFTER DEATH

As of November 1<sup>st</sup>, 2010 the City of Arnold will pay up to three (3) month of Cobra Insurance for family members of an employee that dies while still employed by the City of Arnold as long as no other insurance is available to the family at the time of death. The employee must already have in place family or dependent insurance and the employee must have completed the new hire probation period designated by the City/Department policies.

## Section 7. STANDARDS OF CONDUCT

### 7.1 DRESS CODE

Employees are expected to present a clean and well-groomed appearance to maintain the organization’s public image, to promote a productive work environment, and to comply with health and safety standards. Employees who deal with the public should wear professional attire. Unless the situation requires otherwise, casual dress wear as sweat suits, tank tops, shorts, jeans, and flip-flop sandals are inappropriate. An employee may be sent home if, in the supervisor’s judgment, his/her dress or appearance is deemed inappropriate. Additionally, employees occupying positions with uniform requirements should follow directives and procedure as may be required. Casual dress days may be observed in certain situations. Thus, the dress code may be relaxed at the discretion of the Department Head with the consent of the City Administrator.

#### 7.1.5 PHOTO IDENTIFICATION POLICY

All employees working in the City Hall will be required to wear a photo ID Badge beginning December 1, 2010. The badge must be clearly visible and should be worn between the shoulder and waist. The badge shall not be altered in any way and stickers may not be attached to the badge. Directors shall be responsible for ensuring that their employees wear the photo ID Badge at all times. Failure to comply with this policy may result in disciplinary action.

### 7.2 COMPUTER USE POLICY

The City relies on its Computer Resources to conduct its business, which includes the facilitation and delivery of public safety services, financial records and other administrative information. To ensure its Computer Resources remain in optimal working condition and are used properly by its employees, elected officials, independent contractors, agents, and other computer users, the City has created a Computer Use Policy.

The rules and obligations described in the Policy apply to all users of the City's computer resources wherever they may be located. Violations will be taken very seriously and may result in disciplinary action, including possible termination, civil and/or criminal liability.

The complete City policy related to computer use is detailed in the Policy Reference Manual.

### 7.3 CELLULAR PHONE POLICY

Employees may be eligible for a cellular telephone whose job duties require that they maintain contact with citizens and/or other employees, and they spend a significant portion of their workday out of the office and not otherwise near conventional telephone communication service.

Like other City assets and resources, cellular telephones are acquired with public funds and are to enable City employees to transact the public's business in the most efficient method possible.

Employees who have City-furnished cellular telephones shall use them in the same manner and with the same care as employees who have conventional telephone equipment. Employees shall limit calls that do not involve City business. This is applicable to incoming and outgoing calls.

Any personal use of the cell phone that results in additional charges on the cell phone account shall be reimbursed in full to the City by the employee. Also, personal texting and data use (internet or email), which result in additional costs to the city will be reimbursed in full to the City by the employee. Department Heads shall audit their employee's cellular phone use on a periodic basis to assure compliance with the guidelines above.

Texting or data (internet or email) use while driving a City vehicle is prohibited, violation of this policy may result in discipline, up to and including discharge. The City strongly recommends the use of hands free devices for cell phone use when driving or operating machinery when technology and resources are able.

### 7.4 USE OF CITY VEHICLE

City vehicles shall only be used in the conduct of municipal business for the City and shall not be used for the personal benefit of the employee. Employees shall observe and follow all applicable traffic laws and abide by all applicable safety rules and utilize prudent driving for conditions and situations.

Seat belts shall be worn by employees at all times when operating a vehicle on city streets. Failure to do so will result in disciplinary action up to and including dismissal.

#### 7.4.5 HOURS OF WORK

Employees are expected to be at their assigned post or position, prepared to begin working at the start of the workday. Generally, the City Administrator sets the work hours for city facilities. However, work hours are flexible and can be adjusted for weather, time-of-year, and to accommodate changes in workload as the City Administrator deems appropriate.

### 7.5 SAFETY POLICY

Each employee is required to develop and exercise safe work habits in the course of their work to prevent injuries to themselves, their fellow workers, and conserve material resources. Each employee shall:

(a) Promptly report to their supervisor all accidents and injuries occurring within the course of their employment.

(b) Cooperate with and assist in investigation of accidents to identify correctable causes and to prevent their reoccurrence.

- (c) Promptly report to their supervisor all unsafe actions, practices, or conditions they observe.
- (d) Become familiar with and observe approved safe work procedures during the course of their work activities.
- (e) Keep work areas clean and orderly at all times.
- (f) Avoid engaging in any horseplay and refrain from distracting others.
- (g) Obey all safety rules and follow published work instructions.
- (h) Wear required protective equipment when working in hazardous operation areas. Including but not limited to hard hats, protective shoes, protective eyewear, and ear protection or otherwise.
- (i) Arrive at work suitably attired for the job(s) they are expected to perform. When the City provides uniforms and safety attire, they shall be worn by the employees.

A complete copy of the City's Safety and Loss Prevention Policy is included in the Policy Reference Manual.

## 7.6 LUNCH

Department heads and supervisors are responsible to schedule employees properly. All employees should have a lunch break scheduled into their day if the employee is scheduled to work eight (8) or more hours on a particular day. Lunch breaks are an unpaid break during the day when an employee is free to eat or tend to other personal matters. Lunch breaks should not be less than (30) thirty minutes or more than (45) forty-five minutes. For office employees, the lunch schedule must allow for the work area to be attended at all times and must take into consideration overall office hours. Failure to do so may result in disciplinary action.

There may be times when the nature of a particular work assignment prohibits an employee from breaking for lunch. Such occasions are allowable, but should occur only infrequently. Frequent shifts without a lunch break are not allowable.

## 7.7 BREAKS

Break times are determined on a department by department basis. Check with your supervisor for specific departmental break time policy.

# Section 8. DISCIPLINE

## 8.1 STANDARDS OF CONDUCT AND PERFORMANCE

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. Department Heads shall organize and direct the work of their units in a manner designed to achieve these objectives.

Whenever work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, Supervisors shall point out the deficiencies at the time (or as soon as practicable) they are observed.

## 8.2 PRINCIPLES OF DISCIPLINE

Disciplinary action shall be taken against an employee relating to the employee's performance or behavior on the job. An employee, however, may be dismissed or suspended at any time for the following reasons:

- (a) Conviction of felony
- (b) Violations of City regulations or the provisions of these rules
- (c) Use of public office for private gain
- (d) Continued or serious neglect of duty
- (e) Incompetence, inefficiency, or insubordination
- (f) Use of intoxicants or drugs not medically prescribed while on duty
- (g) Offensive conduct or language toward the public
- (h) Failure to report an accident on City time with City-owned vehicles or equipment
- (i) Deliberate damage to City property
- (j) Falsifying reports or records
- (k) Removal of City records
- (l) Threatening or coercing employees or supervisors
- (m) Theft or unauthorized removal of City or employee property
- (n) Conduct that involves sexual harassment or discrimination
- (o) Unauthorized possession or use of firearm, weapon or explosive
- (p) Failure to provide acceptable work product
- (q) Improper use of City resources

The above list is not all-inclusive, but is provided as a set of examples only.

It is the goal of the City to implement a progressive discipline program. However, this section 8 shall be followed at the discretion of the appropriate supervisor and/or City Administrator. As such, discipline may be accelerated. Disciplinary action shall be proportionate to the offense for which the employee is disciplined, considering all facts in the particular incident(s) that caused the disciplinary action and the employee's complete work record.

## 8.3 WARNINGS

Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the Department Head, an infraction is readily correctable.

When an oral warning is given, the supervisor shall explain the infraction to the employee and indicate corrective measures. The Supervisor will inform the employee that his conduct must improve or face more severe disciplinary action. The employee is required to sign an acknowledgment documented by date, time and subject matter, that the oral warning took place. A record of this warning will be placed in the employee's personnel file, and the employee will receive a copy.

A written warning may be used for more serious infractions or in cases where a rule has been broken repeatedly. The supervisor should state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The warning should include what improvement is expected, the time limit for this improvement to occur, and consequences if the improvement goal is not met. The employee should read the reprimand and sign the warning. One copy of the warning will be placed in the employee's personnel file and one copy will be given to the employee.

### 8.3.5 ADMINISTRATIVE PROBATION

If the situation surrounding an employee's performance warrants an accelerated disciplinary action a supervisor may place an employee on administrative probation for a period of no more than 6 months. While on probation an employee is not eligible for any performance pay or merit pay increases. At the successful end of the probationary period, an employee will be eligible to be reinstated and can be evaluated for purposes of performance pay and merit pay increases. If, at any time within the probationary period, the employee does not show substantial progress toward resolving all disciplinary issues they may be terminated.

### 8.4 SUSPENSION

Suspension is a temporary separation from service, without pay, that is normally invoked for disciplinary purposes in those cases where verbal and written warnings fail to correct the employee's deficiency or change the improper behavior, or where an employee's misconduct is not sufficiently serious to warrant more severe action in the form of dismissal.

An employee may be suspended by the Department Head for a period not to exceed 30 workdays for any one offense and is subject to appeal. Suspension totaling more than 30 days in any successive 12-month period shall automatically require dismissal, except that if a suspension is extended pending completion of investigation, review, or court action for an alleged offense, the limitation shall not apply.

If an employee is found not guilty by investigation, review, or court action of an offense for which he or she has been suspended, the employee shall be paid in total for the period of the suspension in which loss of compensation occurred.

### 8.5 DEMOTION

Demotion is the reduction of an employee from his assigned position to a position for which the maximum rate of pay is less than that of the position from which he was removed. An employee may be demoted if his work has not been satisfactory but does not deserve dismissal.

An employee may also be demoted for non-disciplinary reasons, such as the discontinuance of the position because of the lack of work or funds; he or she is required to be demoted by the prescribed order of layoff, or he or she voluntarily requests demotion in writing.

### 8.6 DISMISSAL PROCEDURE

Employees who are dismissed shall be removed from the position as promptly as possible and officially notified that such action is being taken on or before the effective date of such action.

An employee leaving the City's service for any reason and who has City-owned equipment or property in his possession shall return such equipment or property to his Department Head prior to receiving his last pay check. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

### 8.7 GRIEVANCE AND APPEAL PROCEDURE

A grievance is a wrong, whether real or imagined, considered by an employee as grounds for complaint, except in the case of personnel action arising from position classification, pay, reprimand, suspension, administrative probation, dismissal and demotion. The grievance and complaint procedures will be available only to full-time employees who are not serving a probationary period, whether imposed due to a new position or for disciplinary performance reasons.

(a) A grievance or complaint must be taken to the immediate supervisor immediately following knowledge of the occurrence. Where possible, the grievance should be settled at this level. If informal discussions do not resolve the issue within five calendar days, the employee shall notify the Department Head of the matter in writing. The Department Head shall make careful inquiry into the facts and circumstances of the complaint and shall inform the employee in writing of the decision within seven calendar days after receipt of the employee's grievance. (b) If the employee is dissatisfied with the Department Head's decision, he may obtain a review of the matter; the employee may forward the grievance or complaint in writing to the City Administrator within seven calendar days following receipt of the Department Head's response. The City Administrator shall investigate and document the matter and render a decision in writing within 15 calendar days of receipt of the request. The decision of the City Administrator shall be final. If the dissatisfaction is against the City Administrator, then the decision will be by the Mayor or his designee. (c) Any employee who is dismissed, suspended, or disciplined in such other manner as to suffer a loss of compensation may appeal that action in writing to the Personnel Board of Review within 10 calendar days after the effective date of the action. Upon appeal, the appealing employee, the City Administrator and the disciplinary authority whose action is being appealed, shall have the right to present the relating facts to the Board in a closed hearing. The technical rules of evidence shall not apply in the conduct of the inquiry. A record shall be made of the proceedings and made available to the employee upon payment of the actual costs of producing the record.

(d) The appeal and all documents related to it considered by the Personnel Board of Review, its findings and written decision shall be promptly filed in the office of the City Administrator. All such records shall be held confidential.

#### 8.8 COMPLAINTS CONCERNING CLASSIFICATION, PAY AND DEMOTION

Any complaints concerning position classification, pay and demotion should be presented in writing to the City Administrator. In cases involving position classification and demotion, the decision of the City Administrator shall be final. In decisions relating to pay, the employee shall, within seven (7) calendar days of the receipt of the City Administrator's decision, petition for a review by the Personnel Board of Review. The Board of Review shall consider the complaint within 10 calendar days of completion of the review. If the Board recommends a higher rate of pay, the City Administrator shall submit the Board's recommendation to the Mayor and City Council for final approval.

### Section 9. SEPARATION FROM EMPLOYMENT

#### 9.1 TERMINATION DATE

Unless otherwise established, the official termination date of employment with the City shall be the date of the employee's last day in attendance at work, and all eligible accrued leave payable shall be paid through the date of termination.

#### 9.2 RESIGNATION

All employees are expected to give at least 10 working days prior notice to the effective date of their resignation in order to leave the City employ in good standing unless other arrangements are approved by the City Administrator. Failure to leave the City in good standing shall be considered cause for denial of future re-employment with the City.

### 9.3 DEDUCTIONS UPON TERMINATION

On termination of employment, the Finance Director shall deduct and withhold from the final paycheck of any employee any amount owed the City in payment for unearned leave, unreturned equipment or any other indebtedness to the City including outstanding benefit plan obligations and other potential costs to the City. The final paycheck shall not be issued until the extent of any indebtedness to the City has been determined and cleared by the City Administrator and the Finance Director.

### 9.4 RETIREMENT

The Missouri Local Government Employees Retirement System (Lagers) provides retirement, survivors and disability benefits to the state's local government employees.

- (a) Normal benefit: A member may retire with an age and service allowance after completing:
- At least 5 years of credited service.
  - Attaining minimum service retirement age, which is 60 for general members.

Benefits are figured on the basis of age, final average salary, credited service and the defined benefit program. For the City of Arnold employees, benefits are calculated using the following formula:

2.0 percent (.02) x Final Average Salary x Years of Credited Service = Monthly Benefit for Life.

The average of a member's monthly pay during the period of 36 consecutive months of credited service producing the highest monthly average, which is contained within the 120 consecutive months of credited service immediately preceding retirement. For most members, this is the last three years of employment.

The City of Arnold participates under the non-contributory plan with the City paying the entire cost, while members make no contributions.

- (b) Early benefit: A member in service may retire with an early retirement benefit after completing:
- At least 5 years of credited service.
  - Attaining age 55 if a general member.

The early retirement benefit is computed in the same manner as an age and service allowance but reduced by ½ of 1% for each month the retiree is younger than his minimum service retirement age.

(c) Rule of 80 benefit: An alternate unreduced retirement for employees whose age and service total 80 or more years is the 80 and out program. Under the 80 and Out program, an employee adds his or her age to the number of years worked for the city. When the sum of those two adds his or her age to the number of years worked for the city. When the sum of those two numbers equals 80, the employee is eligible to retire.

(d) Upon retirement from the City or upon leaving City employment after 10 years of continuous service, employees will be paid \$50.00 per day for the remainder of their unused accumulated sick leave. In lieu of receiving payment, an employee may request to have the value of his/her accumulated sick leave at \$50.00 per day be applied to group health insurance premiums. Payment of

group health insurance premiums will continue until the amount is exhausted. In any event, the value of the employee's sick leave shall not exceed \$50.00 per day.

A complete description of the LAGERS pension plan is available in the Policy Reference Manual.”

## 9.5 LAYOFF

City Administrator or a Department Head, after consultation with the City Administrator may lay off an employee when it is deemed necessary by reason of shortage of work, funding, abolition of the position, or change of duties or organizational structure, or other reasons which are outside of the employee's control and which do not reflect discredit on the employee's performance. The duties performed by an employee laid off may be re-assigned to other employees currently working who hold positions in appropriate classes. No employee shall be laid off while another person is employed on a probationary, or temporary, basis in the same class in the department.

## 9.6 COBRA INSURANCE

Under provisions of COBRA regulations, any employee covered under the group health insurance plan is granted the right to continuation of coverage beyond the date coverage would otherwise terminate. The spouse and dependents of the employee with coverage are also eligible for continuation of coverage.

A request for continuation of coverage must be made in writing within 31 days of the date coverage would otherwise terminate. Payment must be made on a monthly basis for the amount of contribution required to continue the coverage.

Coverage shall terminate on the last date of the maximum period of continuation of coverage available under COBRA or earlier if payment of the required premium contribution is not made.

# Section 10. ALCOHOL & CONTROLLED SUBSTANCE TESTING POLICY

## 10.1 POLICY

It is the policy of the City of Arnold to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City to provide healthy, satisfying, working environments for its employees.

To meet these goals, it is the policy of the City to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

## 10.2 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy

to comply with all applicable federal and state regulations governing work place alcohol and controlled substance abuse programs mandated under the above-noted acts.

These acts mandate urine drug testing and Breathalyzer alcohol tests for safety sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

### 10.3 APPLICABILITY

This policy applies to all employees of the City of Arnold. The random testing sections of this policy apply to all safety-sensitive employees who perform safety sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle and all law enforcement, emergency services personnel, and other safety-sensitive positions in the jurisdiction.

### 10.4 DEFINITIONS

*Commercial vehicle:* as defined in the statutes requiring commercial drivers license to operate.

*Delay:* any failure to immediately report to the test site to participate in the required testing under this policy.

*MRO:* Medical Review Officer

*SAP:* Substance Abuse Professional

### 10.5 POLICY ADMINISTRATOR

Unless otherwise designated by the Mayor in writing, the City Administrator shall be designated as the controlled substance and alcohol policy administrator for the City. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The City Administrator shall designate a position to be identified to the public and to employees whose incumbent is the primary person responsible for implementation and demonstration of this policy under the supervision of the Mayor.

The policy administrator shall develop and maintain a current list of the positions that are governed by this policy. The list shall be available for inspection in the City Clerk, Mayor and City Administrator offices of City of Arnold. Individuals who are applying for positions with the City and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

### 10.6 ALCOHOL & CONTROLLED SUBSTANCE PROHIBITIONS

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work related functions, for alcohol related conduct:

- (a) While consuming alcohol;
- (b) While having a blood alcohol concentration of 0.02 or greater;
- (c) Within four (4) hours of consuming alcohol;
- (d) After refusing to submit to an alcohol test; and
- (e) From consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

#### 10.7 CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing, random testing (except as provided herein), reasonable suspicion testing, post-accident testing, return to work testing, and follow-up testing to rehabilitation programs.

##### Pre-Employment Testing

Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers by an employee's written authorization.

##### Reasonable Suspicion Testing

Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances, which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required

documentation concurrently with the observation and consideration to impose reasonable suspicion testing.

Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

#### Post Accident Testing

Post accident testing shall be required to test employees after a vehicular accident in which a fatality has occurred, or after an accident when a traffic citation is issued, and may be required where injury to a person required transport to a medical treatment facility, or disabling damage to one or more vehicles requires towing from the accident site to occur. Testing shall include both breath alcohol and urine drug testing of the employee(s).

Post accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.

#### Random Testing

Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.

#### Return to Work Testing

Return to work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. To return to work, the employee must test negative and be evaluated and released to return to work by a SAP before being permitted to return to work.

#### Follow-up Testing

Follow-up testing of employees returning to work shall be required for employees to submit to frequent unannounced random urine drug and breath alcohol testing for at least six (6) times in the following twelve (12) months after return to work, which random testing may be continued for a period of up to sixty (60) months from the employee's return to work date.

Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. The employee shall pay all costs for employee-requested testing unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

### Failure to Test

Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all of the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all of the consequences that flow.

## 10.8 TESTING CONTROLS

**ALCOHOL:** Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least 24 hours.

Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, and (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

**CONTROLLED SUBSTANCES:** Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U. S. Department of Health & Human Services for the following controlled substances.

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

The City's Medical Review Officer (MRO) shall interview any employee who tests positive on the confirmatory test. The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is:

- a) Evaluated by a SAP
- b) Complies with the rehabilitation contract if such is required, and
- c) Has tested negative in a follow-up test.

## 10.9 EMPLOYEE ASSESSMENT

A SAP shall evaluate an employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. The City of Arnold disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

#### 10.10 REHABILITATION EFFORT

Any employee who is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City of Arnold.

The rehabilitation contract shall include the following terms and conditions to be adhered by the employee who is granted rehabilitation assistance:

1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City of Arnold; and
2. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. The employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. The employee agrees to unannounced random testing for City determined periods of time subsequent to the employee's return to work consistent with this policy; and
5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and
6. The employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from service without recourse.

#### 10.11 CONTRACTUAL SUPPORT PROFESSIONALS

The City shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The City of Arnold may contract for the required alcohol testing or may perform the testing using qualified City personnel who utilize appropriate testing equipment.

The City shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

#### 10.12 EDUCATION, TRAINING AND BENEFITS

The City shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City of Arnold shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing noting the date of receipt and acknowledgment by signature witnessed by the supervisor providing the materials.

The City employee health insurance coverage, which may from time to time be modified, currently provides some coverage for drug and alcohol evaluation and treatment. The City will not be responsible for any other cost of evaluation and treatment of employees other than providing coverage under its employee health insurance plan. The City may provide funds for evaluation and treatment outside of the limits provided in the health insurance coverage plan in effect at that time but said coverage will be limited to the amount appropriated therefore in the current fiscal year budget by City Council.

The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least 60 minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty 60 minutes of programs on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

#### 10.13 CONFIDENTIALITY

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

#### 10.14 DISCIPLINARY ISSUES

Unless otherwise specified in this section, the City policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.

*Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.*

This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of City policy or state and federal laws, or as provided in the worker' compensation laws.

#### 10.15 COORDINATION WITH OTHER LAWS & POLICIES

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, benefit programs and other related policies of the City of Arnold. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring compliance with relevant laws.

#### 10.16 AMENDMENTS

This policy is subject to amendment by the City from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

## Section 11. SEXUAL HARASSMENT POLICY

### 11.1 POLICY

Sexual harassment of any employee of the city by an employee or non-employee is demeaning to both the victim and the city. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment. Sexual harassment is a serious matter and is prohibited in the work place by any person and in any form. The City will endeavor to provide all employees with a work environment free from any form of sexual harassment. To accomplish this, the City will not tolerate such conduct by any person and will deal severely with anyone who engages in this kind of behavior.

### 11.2 DEFINITION

Sexual harassment is unwelcome conduct in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented comments on appearance, including dress or physical features; telling embarrassing sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assaults on the job by supervisors, fellow employees, or non-employees.

### 11.3 PERSONNEL COVERED BY POLICY

This sexual harassment policy applies to all officers and employees of the City, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees working under contract with the City.

### 11.4 MAKING COMPLAINTS ABOUT SEXUAL HARASSMENT

Each employee has the responsibility to report incidents or rumors of harassment so that the City may perform a full and confidential investigation of the matter. No person who reports such conduct or participates in an investigation will suffer any retaliation. Any person who feels he or she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels most comfortable. Complaints shall be made in writing to:

- The employee's immediate supervisor
- The employee's department head
- The City Administrator
- The Mayor

Employees have the right to circumvent the employee chain of command in selecting the person to whom to make a complaint about sexual harassment. Regardless of whom the employee selects to make a complaint about sexual harassment, the employee should provide the following information:

- a) Employee's name, department, and position title.
- b) The name of the person or persons committing the sexual harassment including their name, position, and department if known.
- c) The specific nature of the sexual harassment, how long it has gone on, and any employment action taken (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- d) Witnesses to the harassment.
- e) Whether such harassment has been previously reported and, if so, when and to whom.

## 11.5 REPORTING AND INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS

### Against an employee, including the City Administrator

The City Administrator is the person designated by the City to be the investigator of complaints of sexual harassment involving all employees. The investigation of sexual harassment complaints may be delegated to another City employee at the City Administrator's discretion. In the event the sexual harassment complaint is against the City Administrator or Chief of Police, the investigator shall be a municipal employee appointed by the Mayor within five working days of the complaint.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the City Administrator, or in the event the sexual harassment complaint is against the City Administrator or Chief of Police, to the Mayor.

The investigator shall make and keep a written record of the investigations, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

Statements taken from the person filing the complaint about sexual harassment and statements taken from any witnesses shall either be in writing and signed by the person or shall be tape recorded with the consent of the person.

Based upon the report, the City Administrator shall within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making that determination the record as a whole and the totality of the circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining of sexual harassment shall be considered. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If it is determined that a complaint of sexual harassment is founded, immediate and appropriate disciplinary action shall be taken against the employee guilty of sexual harassment, consistent with the authority under the appropriate personnel rules and regulation.

The disciplinary action shall be consistent with the nature and severity of the offense and any other factors believed to relate to fair and efficient administration of the City, including, but not limited to the

effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses or any other person connected with the investigation of the complain.

Upon receipt of a report on the investigation of a complaint of sexual harassment against the City Administrator or Chief of Police, the Mayor may appoint someone to conduct an investigation and may present the report to the City Council. If the Mayor determines that the complaint of sexual harassment is founded, the Mayor may discipline the City Administrator or Chief of Police consistent with the authority granted by city ordinance and state statutes. The City Council shall be advised of any such investigation, determination and disciplinary action.

If the allegation of sexual harassment is found to be maliciously false the employee that filed the false allegation may be subject to discipline up to and including dismissal.

#### Against An Elected Official

The City Council may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law.

#### Sexual Harassment Committed by Non-employees

In cases of sexual harassment committed by a non-employee against a City employee in the workplace, the City Administrator shall take all lawful steps to insure that the sexual harassment is brought to an immediate end.

### 11.6 OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of sexual harassment; they are obligated to report instances of sexual harassment. Sexual harassment exposes the City to liability, and a part of each employee's job is to reduce the City's exposure to liability.

Employees are obligated to cooperate in every investigation of sexual harassment, including, but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

Employees are also obligated to refrain from filing bad faith complaints of sexual harassment. Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

### 11.7 OBLIGATION OF MANAGEMENT

Each supervisor and manager has an affirmative duty to maintain his or her work place free from sexual harassment. This duty includes discussing these guidelines with all employees and assuring them that they are not required to endure insulting, degrading or exploitive sexual harassment.

## Section 12. MISCELLANEOUS

### 12.1 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the City of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

### 12.2 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

During regularly scheduled work hours and at such other times as work is scheduled to be done for the City, no employee will be permitted to perform work for with any other organization, nor for any relative as defined herein, nor friend employed elsewhere. Likewise, City materials, supplies and equipment may not be used at any time to perform work for another organization, relative or friend.

If the City determines that an employee's outside work or work done for others interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, or if it is determined that an employee is using City materials, supplies or equipment for work with another organization or others, the employee may be asked to terminate the outside employment or work done for others if he or she wishes to remain employed by the City, and will be subject to disciplinary action.

Outside employment will present a conflict of interest if it has an adverse impact on the City.

### 12.3 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Transactions with outside firms must be conducted within a framework established and controlled by the City Council and authorized employees or agents of the City. Business dealings with outside firms should not result in any unusual competitive advantage for those firms.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for the employee or for a relative or friend as a result of City business dealings. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business but also when an employee, relative, or friend receives any special consideration as a result of any transaction or business dealing involving the City. Gratuities, with the exception of normal business and social courtesies, or donations publicly given and accepted, the acceptance of any gift or gratuity in the form of cash, merchandise or any other thing of significant value by an official or employee of the city from any vendor or contractor, or prospective vendor or contractor, shall be prohibited.

For purposes of this policy, a relative is any person who is related to the employee by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts or leases, it is imperative

that he or she discloses to the City any potential conflict of interest so that safeguards can be established to protect all parties.

#### 12.4 POLITICAL ACTIVITIES

No City employee shall solicit any contribution for the campaign fund of any candidate for City of Arnold office or take part in the political campaign of any candidate for City office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in Arnold, sign a nominating petition for any City candidate and vote in any City election.

Political affiliation, participation, or contribution shall not be considered in making any City employment decision. No City officer, employee, or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for City office. No City officer, employee, or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise, or solicit a City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political or electoral purposes.

No employee, either full or part-time of the City, while on duty or while in uniform that identifies the individual as an employee of the City shall:

- (a) Canvass on behalf of any candidate, political party, or political issue.
- (b) Display a political picture, sticker, badge, or button.
- (c) Attend a political rally, fund raising function, or other political gathering.
- (d) Circulate or sign a political petition, or
- (e) Serve as an election judge or clerk.

No employee shall place, or allow to remain, upon a City vehicle used by the employee in the course of employment any political picture, sticker, badge, or button.

Nothing in this section shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.

No employee of the City shall use City equipment, personnel, facilities, or resources to promote or help promote any civic, social, business, or political candidate, or any non-City purpose without the express written consent of the City Administrator.

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