

**CITY OF BUTLER**

**Personnel Policy**

**Updated 11-19-2021**

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# PERSONNEL POLICY

Ordinance No. 839

Adopted 06-20-2006

## **Section 1.**      **General Provisions**

- A.      Purpose. The purpose of this division is to establish policies, procedures, rules and regulations for employees of the City to follow in their employment relationship with the City.
  
- B.      Amendments/revisions. The City Administrator may recommend amendment or revision of this division to the City Council personnel committee or by the personnel committee to the City Council. Amendments/revisions shall become effective upon adoption by the City Council.
  
- C.      Department rules and regulations. Nothing in this division shall be construed as limiting the authority of supervisors to formulate and enforce department rules and regulations, however, department rules and regulations shall not conflict with provisions of this division.
  
- D.      Administration. The City Administrator shall be responsible for the administration of this division.
  
- E.      Equal opportunity. The City is committed to equality of opportunity without discrimination on the basis of race, religion, color, creed, gender, age, physical or other disability, ancestry, national origin, or any other legally prohibited factor.

## **Section 2.**      **Employment at Will**

Except for police officers covered by the police merit system, all employees of the City, including appointed officers, are "employees at will" which means that either the employee or the City may terminate the employment relationship at any time and without cause or justification. No employee has any right to expect continued employment with the City, and thus does not have a property interest in their employment. An employee may acquire rights to continued employment only if the City Council officially votes to approve and adopt a written employment contract for a specific individual.

**Section 3. Personnel Committee**

- A. The Mayor shall, within 30 days after each general election, appoint four members of the City Council to serve as a Personnel Committee.
- B. The duties of the Personnel Committee shall be to act as an advisory body to make recommendations for personnel policies if requested by the Mayor, City council, or City Administrator.

**Section 4. Definitions**

- A. Regular Full-Time Employee. A person employed in a position that requires a “full-time” working schedule of 40 hours per week, 52 weeks per year and is eligible for employee benefits as stipulated in this policy. (Amended November 4, 2008)
- B. Regular Part-Time Employee. A person employed in a position that requires a regular working schedule of not less than 20 hours per week, 52 weeks per year and is eligible for partial employee benefits as stipulated in this policy on a prorated basis based on their annual work schedule. (Amended November 4, 2008)
- C. Non-Regular Part-Time Employee. A person employed in a position that does not have a regular working schedule on an annual basis. This person may work 40 hours or less for short durations and on an infrequent basis. This position is not eligible for employee benefits. (Amended November 4, 2008)
- D. Temporary Employee. A person employed in a position, which requires work less than 52 weeks per year.
- E. Seasonal Employee. A temporary employee hired for less than one (1) year and less than 1,500 hours employment.
- F. Department Head. A supervisory position defined and established by the City Administrator that directs the work of others.
- G. Exempt Employee. An employee the City Determines is not eligible for overtime pay.
- H. Overtime Pay. One and one-half times the regular hourly wage rate for non-exempt employees.
- I. Work Week. A period beginning at 12:01 am Monday and ending at 12:00 pm midnight Sunday.
- J. Probationary Period. A test period during which the performance, attitude and general behavior of a newly hired or promoted employee is more closely observed to determine if the employee is suited for the new position.

K. Leave without Pay. An absence from work which is not charged to compensatory time, sick leave, vacation leave, jury duty, funeral leave, disability leave or military leave.

L. Immediate Family. Spouse, son, daughter, mother, father, sister, brother, grandparents, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, spouse's grandparents, grandchildren, stepmother, stepfather, stepbrother, stepsister, stepchild, aunt and uncle.

### **Section 5. Open Door Policy**

The City believes the best way to handle potential problems is quickly and directly. Employees should attempt to resolve questions, concerns or problems informally with their supervisor or Department head. If the employee is not satisfied with the resolution, he or she may bring the matter to the attention of the City Administrator. The City Administrator will make the final decision on any such matter. No employee will be entitled to appeal the City Administrator's decision.

Police Officers and employees represented by a labor union may have other procedural rights.

Employees who report directly to the City Administrator shall be able to approach the City Council and/or Mayor with any problems or issues in accordance with the Chain of Command.

### **Section 6. Unlawful Harassment**

The City is firmly committed to providing a work place free from illegal discrimination or harassment of any kind. Any actions, words, comments, or adverse conduct toward an employee based on race, religion, national origin, age, sex, protected activity (including opposition to discrimination or illegal harassment), or any other unwelcome legally protected factor is strictly prohibited. Violation of this policy will lead to severe disciplinary action, including possible termination.

This prohibition specifically applies to sexual harassment. Although it is difficult to define, sexual harassment can include unwelcome sexual advances, requests for sexual favors, touching, comments or jokes of a sexual nature, and any other verbal or physical conduct of a sexual nature. Sexual harassment also may include intimidating or hostile conduct toward an employee because of the employee's gender.

Any employee who is aware of sexual or other illegal harassment of any employee should immediately report the matter in writing to the City Administrator, or if the City Administrator is involved in the harassment, to the Mayor. If both the City Administrator and Mayor are involved in the harassment, a written complaint should be filed with the Personnel Committee. The City will promptly, thoroughly, and impartially investigate the complaint, and take any action necessary to correct the problem.

The complaint will be kept as confidential as possible, although it may be necessary to disclose some information during the resulting investigation. Employees also should report harassment by non-employees, including vendors, suppliers, customers, and citizens.

Without minimizing the importance of this policy, employees should understand that not all violations of the policy would warrant immediate termination. It is also possible that even a thorough investigation may not clearly establish a violation. Nonetheless, it is critical that employees promptly report any harassment so the City can stop it.

### **Section 7. Religious Discrimination**

Federal and state laws prohibit discrimination or harassment on the basis of religion, religious beliefs, or views concerning religion. The United States Constitution expressly prohibits establishment (or endorsement) of religion by a governmental entity. It is critical that there be a clear division between religion and employment policies and practices. The City's Personnel Policies reflect these mandates by requiring all employment decisions to be based on merit, not religious views.

The federal Equal Employment Opportunity Commission has determined that employers must protect their employees from harassment or intimidation on the basis of religious beliefs or practices. Pursuant to federal law, a person holding supervisory authority over an employee may not, explicitly or implicitly, insist that any employee participate in religious activities or hold religious beliefs as a condition of continued employment, promotion, job assignments, or any other aspect of employment. A supervisor preaching religion or proselytizing to employees on the job, requiring attendance at devotional services at work, or singling out an employee for unpleasant tasks because the supervisor disagreed with the employee's religious beliefs all have been deemed to violate federal law. Obviously, it would be illegal to fire an employee for differences in religious views.

Employees are free to hold any religious belief, and during non-working time are free to practice (or not practice) any religious observance. The City also will accommodate employees' religious beliefs to the extent possible. During working time, however, the City of Butler will not tolerate any adverse treatment or harassment of employees on the basis of religion.

### **Section 8. Employee Benefits**

The City attempts to provide a competitive package of fringe benefits for its employees. Although the City may add to, modify or cancel benefits at its sole discretion, at the time this ordinance was enacted the City offered the following benefits. This applies to Regular Full-time Employee and Regular Part-Time Employee as defined in Section 4. Definitions. (Amended November 4, 2008)

A. Health/Dental/Vision/Life Insurance. Regular employees may participate in the group health, dental, vision, and life insurance program selected by the City Council. The City Council will annually approve an amount that the City will pay on the insurance premiums charged for coverage of the employee. The employee shall pay the premium for dependent coverage.

B. Holidays. The following days will be recognized as paid holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve and Christmas Day.

1. If such holiday occurs on a Saturday, the holiday shall be observed on the Friday preceding the holiday. If such holiday occurs on a Sunday, it shall be observed on the Monday following the holiday. If Christmas Eve is a Sunday and Christmas is on a Monday, the City shall observe the Friday preceding as a holiday.

2. Regular employees required to work on the actual day of a holiday (not the observed day) shall receive eight (8) hours of holiday pay at their regular rate of pay plus their applicable rate for all hours worked on the holiday. In lieu of receiving holiday pay for a holiday worked, an employee may elect to "bank" the holiday and receive it as an extra vacation day to be scheduled and paid pursuant to the vacation leave provision below. The number of "banked" hours must be taken before the succeeding April 1<sup>st</sup>. Any banked hours not taken as of April 1<sup>st</sup> will be paid during the pay period in which April 1<sup>st</sup> occurs.

C. Vacation Leave. Regular employees accrue vacation from the date of hire.

- Regular employees earn forty (40) hours of vacation time after the completion of their first six (6) months of service.
- Regular employees earn eighty (80) hours of vacation time after the completion of their first full year of service.
- The 80 hour per year rate continues through the completion of a regular employee's fifth (5<sup>th</sup>) full year of service.
- Regular employees earn eighty-eight (88) hours of vacation time after the completion of their sixth (6<sup>th</sup>) full year of service.
- Regular employees earn ninety-six (96) hours of vacation time after the completion of their seventh (7<sup>th</sup>) full year of service.
- Regular employees earn one hundred four (104) hours of vacation time after the completion of their eighth (8<sup>th</sup>) full year of service.
- Regular employees earn one hundred twelve (112) hours of vacation time after the completion of their ninth (9<sup>th</sup>) full year of service.
- Regular employees earn one hundred twenty (120) hours of vacation time after the completion of the employee's tenth (10<sup>th</sup>) full year of service.

- The 120 hour per year rate continues through the completion of a regular employee's fourteenth (14<sup>th</sup>) full year of service.
- Regular employees earn one hundred sixty (160) hours of vacation time after completion of their fifteenth (15<sup>th</sup>) full year of service.
- The 160 hour per year rate continues through the completion of a regular employee's twenty-fourth (24<sup>th</sup>) full year of service.
- After the completion of the twenty-fifth (25<sup>th</sup>) full year of service and for each full year of service thereafter, a regular employee earns two hundred (200) hours of vacation time.
- Employees shall be rewarded for years of service to the City. After 10 years of service the employee shall receive one additional day of vacation leave. After 20 years of service the employee shall receive another additional day (2 total in addition to standard time). After thirty years of service the employee shall receive one additional day (3 total in addition to standard time).

Regardless of the rate at which employees accrue vacation leave, only one hundred sixty (160) hours may be carried over from one year to the next (any additional balance is forfeited).

Accrued vacation time may be compensated when employment as a full-time, regular employee ceases. However, any amounts owed the City at the time of termination may be deducted from the accrued vacation.

Vacations must be scheduled and approved by Department Heads. Department Heads shall schedule vacations in accordance with operating requirements of the department and seniority of employees. Prior employment with the City shall not be used to compute vacation days earned unless approved by the City Administrator.

Employees shall not earn vacation during leave without pay. Employees who become regular employees prior to the sixteenth (16<sup>th</sup>) day of the month or cease employment subsequent to the fifteenth (15<sup>th</sup>) day of the month, shall receive vacation credit from the beginning of the month.

Employees may use vacation leave for any reason, including illness, injury or disability.

D. Sick leave. Regular employees earn one day of sick leave per month. Each year on January 1, sick leave accrued in excess of 120 days (960) hours) shall be converted to regular paid time at the rate of five hours sick leave for one hour of regular pay. Each year as of January 1, employees will be notified of the amount of their accrued sick leave balance, and shall have the option of converting sick leave accrued in excess of 60 days into regular paid time at the rate of five hours sick leave for one-hour regular pay. Employees electing to convert sick leave to regular pay must retain a sick leave balance of 60, 72, 84, 96, 108, or 120 days.

Sick leave may be taken for personal illness or physical incapacity, quarantine ordered by a physician, or for up to three days due to illness or injury to spouse or children. Sick leave may never be taken in advance of earning the time.

To be eligible for sick leave, the reason for the leave must be reported to the employee's supervisor before the workday begins. Department heads or the City Administrator may require a physician's statement certifying the employee's, spouse's, or children's illness. Sick leave may be used during the last two weeks of employment only upon submission of a physician's statement, acceptable to the City Administrator in his sole discretion, certifying the employee's illness. Unused sick leave will not be compensated for in any way when employment ends. Absences in excess of the sick leave accrued shall be charged to vacation leave or leave without pay at the employee's choice. Abuse of sick leave may result in appropriate discipline up to and including discharge. Repeated or routine use of sick leave without a physician's statement may be construed to be abuse.

Sick Leave During Vacation: Regular employees may use accumulated sick leave credit for illness or injury while on authorized vacation leave, provided such use of sick leave credit would be warranted if the employee were not on vacation leave and, provided further, that an attending physician's statement is furnished upon request to the recommending authority certifying that the employee was incapacitated to a degree which would have prohibited performance of normal duties.

E. Shared Leave. The Shared Leave is a means for employees to transfer vacation and sick leave to a qualifying employee experiencing a serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition either personally or by a family member which has caused, or is likely to cause, the employee to take leave without pay or terminate employment.

Coverage:

1. Shared leave may be granted to a regular full-time employee of the City if the employee or family member experience a serious, extreme, or life-threatening illness, injury, impairment, or physical or mental condition and the employee has exhausted or will exhaust all eligible paid leave including sick leave, vacation, compensatory time, and/or other forms of paid leave.
2. Common minor illnesses, injuries, impairments or physical or mental conditions that are not serious, extreme, life threatening or cause the employee to take leave without pay or terminate employment are excluded.
3. Shared leave is not intended to cover employees with unsatisfactory attendance records or a history of leave abuse.
4. If the employee receives workers' compensation, long-term disability payments, or both, the employee is not eligible to receive shared leave.

Duration:

1. Shared leave is meant to cover only the duration of the current illness or injury for which it was collected up to a maximum of six months from the date the employee begins using shared leave. If after six months of shared leave, and the illness, injury, impairment of physical

or mental condition still exists, the employee can then request more shared leave for up to an additional six months.

2. Only in the event the approved shared leave start date is prior to the approval date, may Shared leave be applied to this time period retroactively and is limited to two pay periods. Otherwise, all donated leave must be applied to the current or future pay periods while the employee is on shared leave.

3. In the event a person returns to work with inadequate donated leave to cover the shared leave period, the employee has to days in which to obtain additional donated leave to be applied only to the two pay periods prior to return to work. The Human Resource Manager must receive written notification of each instance on retroactive application of shared leave.

#### Request Procedures:

1. The employee completes the Shared Leave Request form.
2. The employee obtains appropriate medical documentation from the employee's (or family member's) physician.
3. The Human Resource Manager reviews the request to determine whether the employee has:
  - a. Exhausted or will exhaust all forms of paid leave (sick, vacation, compensatory time, and/or other forms of paid leave);
  - b. Has at least six months of continuous service; and
  - c. Has a satisfactory attendance record.

If the request is for care of a family member, the Human Resource Manager will determine if the relationship meets the eligibility requirements. Eligible family member will include his/her immediate family. Immediate family is defined for sick leave benefits as an employee's spouse, children, parents, brothers, sisters, or grandparents, or close relatives by marriage of his/her spouse.

The Shared Leave Request will be reviewed by the Department Head, Human Resource Manager, and City Administrator. If it is determined that the illness, injury, impairment, or physical or mental condition is serious, extreme, or life threatening the Shared Leave Request may be approved as eligible and a copy forwarded to the employee. If it is determined that the illness, injury, impairment, or physical or mental condition is not serious, extreme, nor life threatening, the Shared Leave Request will be denied and a copy forwarded to the employee.

Exclusions, Limitations, and Termination of Benefits: Leaves resulting from the following will be excluded from eligibility for Voluntary Shared leave Transfer benefits:

1. Occupationally related accident or illness for which Workers Compensation benefits are payable by the City of Butler.

2. Intoxication by alcohol or drugs.
3. Intentionally self-inflicted injuries.
4. Injury occurring in the course of committing a crime.
5. Active-duty service in the armed services.
6. Cosmetic surgery or treatment, or surgery or treatment deemed medically unnecessary by a physician.
7. Participation in a riot.
8. Normal maternity situation. (In regard to “normal” maternity situations, the intent of the policy is to cover only those situations in which medical illness or condition of the mother or newborn exists. A normal maternity situation without unusual medical complications is not deemed a catastrophic illness).
9. Injuries occurring in gainful employment with other employers.
10. An employee will immediately lose their right to use the Voluntary Shared Leave Transfer benefits would the following occur:
  - a. Termination of employment with the City.
  - b. During a suspension without pay.
  - c. Any abuse or misuse of the Voluntary Shared leave Transfer Policy for which the employee has been disciplined within the ten (10) months prior to the commencement of the disability.
  - d. Fraud or misrepresentation in requesting or use of the Shared Leave benefits.
11. Any unusual circumstances may result in ineligibility upon determination by the City Administrator.

Donation Procedures:

1. Departmental Notification. Notification of the need for shared leave will be distributed to each department. The method of notification of the need for donated leave, which may include memoranda, flyers, and bulletin board notices, etc.
2. No one can solicit donations from any employee for who they conduct performance evaluations. Departments and bargaining units shall assume that no pressure, either implicit or explicit, is placed on any City employee to make a donation. No solicitation shall be made by any employee during work hours.

#### Employee Donations:

1. All donations made pursuant to this policy must be voluntary.
2. Donations must be made in writing on the Shared Leave Donation Form. The Shared Leave Donation Form must be approved and signed by the Human Resource Manager after determining if sufficient leave time is available for donation. All required forms are available from the Human Resource Manager.
3. Employees donating vacation leave must have a vacation leave balance of at least 80 hours (10 days) after the donation. Employees donating sick leave must have a sick leave balance of at least 480 hours (60 days) after the donation is made. Employees may donate annually up to a maximum amount of 80 hours of either vacation leave or sick leave, or combination thereof in full hour increments.
4. Employees may make multiple donations during a particular approved occurrence as long as the leave balance level requirements are met. Each donation must be made on a new form and approved.
5. Donations may be made to an employee in another department.
6. Donations must be made in full-hour increments.

#### Record Keeping:

1. The Human Resource Manager will be responsible for processing shared leave requests, donation forms, and leave balance adjustments. All required forms are available from the Human Resource Manager.
2. The Human Resource Manager will be responsible for calculating the prorated amount of unused shared leave and credit it back to donor employees in increments of not less than full hour increments based on the original amount and type of donated leave. If any employee does not use all of the donated Shared Leave during the leave of absence, the balance of the unused Shared Leave up to a maximum of 40 hours may be reserved by the employee for their use in their leave bank upon return to work.
3. Shared Leave shall not be returned to donating employees who have left City employment. (Amended November 4, 2008)

F. Disability Leave: As an additional benefit, regular employees who are injured on the job and are eligible for worker's compensation benefits for that injury will continue to receive their regular pay for up to sixty (60) days per year, provided:

The employee returns any worker's compensation benefits received on account of the injury to the City in return for the City continuing the employee's pay;

The employee agrees to a physical examination by a physician selected by a City to confirm the injury, if requested by the City.

The employee accepts any other duties or assignments offered by the City that the employee is capable of performing, as determined by the physician selected by the City.

Disability leave provided under these circumstances will not be charged to sick leave, vacation leave, or compensatory time.

G. Funeral Leave: Regular employee may be granted up to three work days paid leave in the event of the death of an immediate family member. Such leave shall not be charged to sick leave, vacation leave, compensatory time leave or other paid leave.

H. Jury Leave: Regular employees may be granted paid leave for up to 30 calendar days when required to be absent from work for jury duty or when subpoenaed as a trial witness, provided any compensation received by the employee is paid over to the City.

I. Military Leave: Employees shall be granted military leaves of absence in accordance with Section 105.270 R.S.Mo. Military leave of absence and reemployment shall be granted as required by Federal and State Law.

A regular employee who is drafted into military service shall, after discharge from active service, be entitled to return to city service at a level equivalent to the position held on his departure, assuming an equivalent position exists.

J. Voting Leave: When an employee's work schedule, either regular or emergency, does not leave available three (3) consecutive hours during voting hours for the purpose of voting at all state, county, city and national elections, then the employee will be given time off, with pay, during his or her tour of duty as is necessary for such purposes.

K. Unpaid Leave: Leave of absence without pay may be granted by the City at its discretion for good cause. Request for leave of absence must be submitted in writing stating the reason therefore and the expected date of return to work, not to exceed ninety (90) days from the beginning of the absence. Such leaves are totally within the discretion of the City and will be granted only if the City believes the employee's time away from the job would be in the best interests of both the employee and the City. If such a leave is granted, it will be on such terms and conditions as the City approves.

L. Retirement: All regular employees shall participate in the LAGERS state retirement program. The City of Butler pays 100 per cent of the contributions to LAGERS.

Employees retiring with twenty years (20) of service shall receive two nights stay at Big Cedar Lodge and \$120.00 per year of service in the form of a gift card (\$200). Employees retiring with thirty years (30) or more of service shall receive three nights stay at Big Cedar Lodge and a gift card of \$10 per year of service.

M. Family and Medical Leave of Absence Policy (FMLA Leave): Consistent with the Family and Medical Leave Act of 1993 (FMLA), the City of Butler (City) provides FMLA leave to eligible employees. All provision of FMLA govern the City's FMLA policy. Following is a summary:

1. **Eligibility**: To be eligible for FMLA leave, employees must have worked at least one (1) year and at least 1,250 hours during the twelve (12) months prior to commencement of the leave, and must be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that site.
2. **Purposes of Leave**:
  - a. To care for the employee's child after birth, or placement for adoption or foster care;
  - b. To care for the employee's spouse, son or daughter (usually a minor), or parent, who has a serious health condition;
  - c. For a serious health condition that makes the employee unable to perform the employee's job (which includes on-the-job injuries covered by the worker's compensation laws).
3. **Maximum Leave**: Up to twelve (12) weeks in any rolling twelve (12) month period, measured backward from the date the employees begins any FMLA leave.
4. **Restrictions on Leave**:
  - a. Leave to care for a child after birth or placement for adoption or foster care must be completed within twelve (12) months after the birth or placement.

- b. If both the employee and the employee's spouse work for the City, the maximum combined leave for both for leave to care for a child after birth or placement for adoption or foster care or to care for a parent is twelve (12) weeks.
- c. An employee on FMLA leave is prohibited from working elsewhere unless the City consents in advance and in writing to such other employment.
- d. If an absence from work is for an FMLA reason, it will be considered an FMLA absence and charged against the employee's 12-week FMLA leave allowance even if the time off was originally scheduled as a non-FMLA absence (such as vacation, paid time off, discretionary/personal leave, etc.).

#### Types of Leave:

1. Some leaves are "continuous", requiring the employee's absence from work for a continuous period of time normally exceeding 3 days.
2. Leave can also be "intermittent" or on a "reduced schedule" basis, meaning that the employee will be absent usually for short periods of time on a recurring basis (such as for chemotherapy, physical therapy, etc.) or will work a reduced number of hours for a continuous period of time. Intermittent or reduced schedule leave is available for serious health conditions only if medically necessary. Intermittent or reduced schedule leave to care for a child after birth or placement for adoption or childcare is available only with the City's consent. During intermittent or reduced schedule leave, the City may temporarily transfer the employee to another job or equivalent pay and benefits to better accommodate the employee's leave.

#### Required Notices and Certifications:

1. Employee must provide thirty (30) days advance written notice of the need for leave, or, if emergency conditions prevent such notice, it must be given as soon as practicable.
2. If leave is for a serious health condition, the employee must provide certification of the condition from a health care provider, normally within 15 days after requesting leave. In some cases, a second or third medical opinion may be required (at the City's expense).
3. While on leave, an employee must report periodically on his/her status, usually every thirty (30) days.

#### Benefits While on Leave:

1. Leave will be unpaid unless the employee has earned/accrued but unused paid time off benefits (such as vacation, paid time off, short-term disability or sick pay or the employee is eligible to receive pay under worker's compensation laws), in which case the employee must exhaust all such paid time off benefits, after which the leave will be unpaid. Using paid time off benefits does not add to the total length of leave.
2. Health care benefits in effect at the time will continue during the leave, but the employee is still responsible for paying the cost charged to active employees for the same coverage. If the employee chooses not to return from leave, the employee may be required to repay the City's portion of the premiums.
3. Any other benefit, which the employee earned before the leave began, will be restored to the employee when he/she returns to work.

#### Return to Work:

1. The employee must provide a release to return to work (with or without restrictions) from the health care provider.
2. If the employee is released to work with no restrictions, the employee will be returned to the same position held prior to leave, or one that is equivalent in pay, benefits and other employment terms.
3. If the employee is released to work with restrictions, the City will review such situations on a case-by-case basis to determine if reasonable accommodation of the restrictions can be made.

#### Non-Discrimination:

It is the City's policy to fully comply with its obligations under FMLA and not to discharge or discriminate against any employee for exercising his/her rights under FMLA. If the employee thinks he/she has been treated unfairly, please contact the City Administrator.

## Employee Suggestion Awards Program:

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

1. Acceptable suggestions are defined as “constructive” ideas submitted in writing to the Human Resource Manager by one or more employees to improve methods, equipment or procedures that will reduce time or cost of operations, or make working conditions better or safer, or improve directly the operations of the organization, or provide better public service, or otherwise benefit the government directly. In other works, eligible suggestions must:
  - a. Increase productivity.
  - b. Improve service to the public.
  - c. Add a new source of revenue.
  - d. Reduce costs, duplication or waste.
  - e. Improve working conditions or safety.
  - f. Conserve labor, materials or energy.
  
2. A suggestion is not eligible if it:
  - a. Deals with routine matters, such as standard equipment or normal replacements, repairs or maintenance.
  - b. Proposes minor improvements in working conditions that the employee or department head can correct through normal or customary action.
  - c. Points out problems without proposing solutions, or is a proposal which has the nature of a grievance.
  - d. Relates to union agreements or collective bargaining.
  - e. Concerns pay and job classifications.
  - f. Increases existing fees or charges.
  - g. Duplicates an earlier suggestion.
  - h. Concerns applications of technology that are widely accepted as routine.
  - i. Concerns a situation that exists only because established procedures are not being followed.
  
3. Annual award amounts are recommended by the Suggestion Awards Program Committee and approved by the City Administrator. The minimum award on an implemented suggestion is a personal day off with pay. All award winners will receive a framed certificate.
  
4. Awards for selected suggestions are differentiated between “tangible” benefits, those that can be measured in dollars, and “intangible” benefits, those that cannot be measured in terms of dollars, but are worthy of adoption.

a. Tangible. Suggestions that result in a 10% reduction in departmental expenses (a minimum of \$5,000), a reduction in measurable staff time, or a revenue increase may receive time up to (2) personal days off subject to scheduling approved by supervisor.

b. Intangible. Where the value of a suggestion cannot be measured entirely or precisely in actual savings, such as a safety or service quality, awards for intangible benefits will be evaluated for awards up to (1) personal day off.

1. How effective the proposed solution is.
2. How serious the problem is.
3. How extensive the problem is.
4. How probable the problem is.
5. How ingenious the suggestion is.

Note: All awards for groups of employees who submit suggestions shall receive an award that is prorated, but not less than (2) hours of paid leave.

c. Indirect. If a suggestion is not implemented as stated, but leads to a different but related solution to the problem, an "indirect award" may be based on a yearly savings or revenue increase up to a maximum of (1) personal day off.

d. Interim. If the benefit from a suggestion cannot be accurately estimated when it is implemented, an "interim award" (up to (1) personal day off) may be made. After the first year, an additional award may be made if actual results justify it. Total award may not exceed the limits stated above.

5. City employees may obtain a Suggestion Awards Program Form from the Human Resource Manager at City Hall. complete the form following instructions on the back, and turn the form into the Human resource Manager. The Human Resource Manager will keep employee(s) informed about their suggestion after it is processed by the Suggestion Awards Program Committee, which is comprised of management and employee representatives appointed by the City Administrator.

Supervisory and management employees are eligible to participate in the program, however, suggestions affecting the individual supervisor's or manager's area of operation and/or span of control shall not be eligible.

The Committee will refer eligible suggestions to the operating department to be tested for a period of 60 days, during which time specific results or benefits are identified and an estimate of savings is computed. If it appears the suggestion can be adopted, the committee will provide the City Administrator with a written report providing a sound basis for deciding the type and amount of the award. The City Administrator has the final decision for implementation and award of suggestions.

If a suggestion is rejected, a written report will be prepared setting forth explicitly why the suggestion could not be adopted and how the idea was tested. Every suggestion will be acknowledged.

**Section 9. Appointments/Promotions**

A. General.

Appointments shall be made solely on the basis of merit as determined by evaluation of the applicant's background, qualifications, training and experience.

B. Age.

The Minimum age for employment as a regular employee shall be eighteen except police officers (including reserved) who shall be twenty-one. The minimum age for employment as a temporary or part-time employee shall be sixteen (16) except for deck attendants at the aquatic center who may be fourteen (14) or lifeguards who may be fifteen (15).

C. Residence.

The City Administrator shall reside within the City limits. Firemen shall reside within a (10) mile radius of the Bates County Courthouse. Police Officers shall reside within a (30) mile radius of the Bates County Courthouse.

D. Nepotism.

No regular employee (including police department employees) shall be employed in the same department with or in a position to supervise, or be supervised by, a member of his/her immediate family; nor shall two (2) members of an immediate family be employed as regular employees under the same supervisor. This section does not apply to part-time, seasonal, or temporary employees.

F. Probation; Probationary Period.

All newly hired or promoted employees shall serve a probationary period. The probationary period for all employees except Police Officers is six months (the probationary period for Police Officers is addressed in Section 19-27(6) of the Butler City Code). The City Administrator may dismiss a newly hired employee or may return a recently promoted employee to his/her former position, if at any time during the probationary period the Department Head or City Administrator determined that the employee is not performing satisfactorily.

**Section 10. Hours of work, Overtime and Attendance Records**

A. Hours of Work.

1. Regular employees, other than Police Officers, shall work a minimum forty (40) hours over a seven (7) day work period on a schedule approved by the City Administrator and Department Head.
2. Part-time employees shall work such hours and shifts as determined by the City Administrator and Department Head, but generally not more than forty (40) hours over a seven (7) day work period.
3. Police Officers shall work a minimum of eighty (80) hours over a fourteen (14) day work period on a schedule approved by the Police Chief and Mayor.
4. Salaried employees are to provide the best possible services that their position demands while ethically reporting the hours worked any given week. Salaried employees shall be available to the City at all reasonable times and dates.
  - a. As an employee of the City, each employee is required to report a fair and accurate statement of hours worked. Each salaried employee is required to complete, sign and date a Time and Attendance Record for each payroll period. This record should detail which days the employee worked and how many actual hours were worked that day. Absence from a full day's work will be considered either sick leave or vacation (paid time off).
  - b. Salaried employees are expected to work until their tasks are accomplished for the week, regardless of actual time. It is expected that all salaried employees work a schedule of Monday-Friday with a traditional start time of 8:00 am and continue until 5:00 pm. In addition, salaried employees are to be available to the public and the City of Butler at times expected of the position. Any full days off will be considered either paid time off or vacation leave, not matter the number of hours worked that week.

B. Time and Attendance Records.

All employees (including salaried employees) shall maintain an accurate record of regular time, overtime, vacation, sick leave, compensatory time off, jury leave, military leave and leave without pay. Employees shall verify and sign their time and attendance records and submit them to their Department Head, who will verify and sign the records and submit them to the Payroll Clerk.

C. Overtime.

1. All hours worked in excess of forty (40) hours over a seven (7) day work period by employees except Police Officers or hours worked in excess of eighty (80) hours over a fourteen (14) day work period by Police Officers who are non-exempt employees (excludes exempt employees) shall be compensated as overtime at the rate of one and one-half times the employee's regular hourly rate of pay. Vacation and holiday hours paid but not worked in a work period shall be treated as hours worked for calculating overtime pay for employees who, but for the holiday, would have worked those hours. Overtime hours must be reviewed and approved by the Department Head.

2. An employee called to work outside his/her regularly scheduled work period by a duly authorized person shall be credited a minimum of two hours work for the day, unless that employee is being compensated with standby pay. If multiple call-ins occur the same day, the employee shall be paid in excess of the two hours credit only for time worked in excess of two hours during the day. Those employees on standby shall be paid for actual time worked in addition to their standby pay with no minimum two-hour credit given.

3. Exempt employees are not eligible for overtime pay, however, the Mayor or City Administrator may authorize less than a full workday off for such employees for partial relief from extended work hour schedules.

**Section 11. Separation, Layoffs.**

The City may lay off employees whenever it deems necessary to efficiently operate City government. Regular employees who are laid off will receive compensation for wages due and, if the layoff exceeds three months, accrued vacation time.

**Section 12. Medical Marijuana.**

A. Any City employee utilizing marijuana or marijuana-infused products for medical purposes shall do so in accordance with the requirements of state law, including Article XIV, Section 1 of the Missouri Constitution and 19 CSR 30-95, and the City's Drug and Alcohol Testing Policy as provided for in Section 2-121 through Section 2-125.18 of the Butler City Code.

B. All City employees are prohibited from the use, possession, sale, transfer, manufacture, distribution or purchase of marijuana, marijuana-infused products, and/or paraphernalia for medical purposes at any time while on City premises, in City vehicles, in clothing issued by the City, or while conducting City business.

C. No City employee shall be on City premises, in City vehicles, or conduct City business while under the influence of medical marijuana.

D. Any City employee believed to be under the influence of medical marijuana while on City premises, in City vehicles, in clothing issued by the City, or while conducting City business shall be subject to drug testing in accordance with the City's Drug and Alcohol Testing Policy and Procedures as provided for in Section 2-121 through Section 2-125.18 of the Butler City Code. Any employee who tests positive for marijuana may be subject to disciplinary action up to and including termination.

**Section 13. Conduct and Discipline.**

A. Conduct.

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Employees must remember that their conduct both on and off duty reflects upon the City. Accordingly, the City is justifiably concerned with any aspect of an employee's job performance or behavior that adversely affects the services provided by the City or the public's view of the City.

B. Discipline.

It is the City's obligation to deliver the highest quality service to its residents in the most efficient manner possible. Whenever an employee's work habits, department, production levels or other aspects of an employee's behavior fall below a desirable standard, the City may take steps to address the problem, including disciplinary action up to and including termination.

Depending upon the circumstances, the City may find it necessary to reprimand, suspend (with or without pay), demote, dismiss, or otherwise deal with an employee whose performance or behavior is not acceptable. The City may take whatever action it considers appropriate under the circumstances. Although progressive discipline may be appropriate; the City also may use more severe disciplinary action, including termination, if the City in its sole discretion finds such action necessary.

It is impossible to predict and list all the possible scenarios in which discipline might be necessary. In an effort to provide some examples, however, the following types of conduct will be subject to disciplinary action, up to and including discharge.

1. Criminal, dishonest, or disgraceful conduct, specifically including:
  - a. Dishonesty. Stealing or taking City property or other employees' property without proper authorization; misuse of City's funds or employee's funds; cheating; forging or willfully falsifying official City reports, records, application forms, or other documents; misuse of paid leave of absence; any other falsifying action detrimental to the City or fellow employees; or any intentional false statement, deception or fraud.
  - b. Disturbance. Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; spreading false reports; or otherwise disrupting the harmonious relationships between employees.
  - c. Sabotage. Deliberate damage or destruction of City equipment or property; altering, removing, or destroying City records; advocacy of or participation in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes or any other concerted effort to limit or restrict employees from working.
  - d. Misconduct. Any criminal offense or other misconduct, including immoral conduct, during or off working hours, which could have an adverse effect on the City, or on the confidence of the public in the integrity of the City government including violations of any applicable Code of Ethics; or repeated convictions on misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment; or the discovery of such conduct in prior employment.

C. Abuse of Drugs or Alcohol.

Reporting to work in unfit condition, being under the influence of intoxicants or controlled substances, including marijuana, narcotics, or illegal drugs of any kind (defined to include legal drugs taken without proper prescription); drinking intoxicants or ingesting a controlled substance, including marijuana, narcotics, or illegal drugs of any kind during working time; or possessing intoxicants or illegal drugs of any kind on City property or in City vehicles.

D. Violation of the City's Drug and Alcohol Testing Policy and Procedures.

E. Unsatisfactory Attendance.

Excessive, unauthorized absence and/or tardiness. Abuse of lunch hours or break time. Note: Failure to report for duty without contacting the appropriate supervisory authority for two consecutive workdays may be construed as a voluntary resignation.

F. Indifference.

Inefficiency, loafing, carelessness, failure to remain at work, performing unauthorized personal business during working hours, abuse of eating and/or rest periods, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees, or leaving work without permission.

G. Violation of Safety Rules.

Smoking in prohibited areas; improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment or to follow safety practice rules; or failure to report an on-the-job injury, vehicle accident, or unsafe condition.

H. Misuse of City Equipment or Services.

Using or providing any City equipment, credentials, or services for other than official City business, or without proper authority. Careless use of City property resulting in damages.

I. Incompetence.

Inability or unwillingness to perform assigned work satisfactorily; failure to provide appropriate leadership or supervision (for managers or supervisors).

J. Insubordination.

Willful failure or refusal to perform assigned work or fully comply with instructions or orders as requested by the supervisor or other members of management.

If the employee believes an instruction or order is improper, he should obey the order or instruction and file a written objection afterward. This does not apply to imminently dangerous situations.

If the employee believes the instruction or order, if followed, would result in physical injury to himself or others or damage to City equipment, he should request approval by the next higher level of supervision.

K. Any statutory disqualification which makes the individual unfit for a job or a failure to meet and maintain requirements of his or her job description.

- L. Violation of City or department administrative rules and regulations.

**Section 14. Political Activities.**

The City encourages all employees to vote in municipal elections. There is a risk, however, that excessive involvement in the election process by City employees could create the potential for candidates to pressure employees for their support, for employees to exert control over municipal elections, or the appearance of bias in the delivery of public services. These risks are sufficiently severe to justify some limitation on City employees' involvement in public elections. Missouri law also imposes some restrictions on political activities of municipal employees.

For these reasons, any employee who wishes to run for public office or campaign for a candidate for public office must notify the City Administrator. Depending on the circumstances, the City may impose specific limitations or restrictions as deemed necessary by the City Administrator, including but not limited to prohibiting employees from running for public office without taking an unpaid leave of absence, holding an elected municipal or county office while employed by the City, or soliciting, encouraging, or otherwise attempting to obtain a contribution or anything of value for or on behalf of a candidate for public office.

**Section 15. Outside Employment.**

No regular employee shall accept outside employment, whether part-time, seasonal, permanent or otherwise, without prior written approval of his/her Department Head. Outside employment, which interferes with an employee's duties with the City or which could create a conflict of interest is prohibited. Police Officers shall not be granted approval to work in any establishment that sells alcoholic beverages at retail.

**Section 16. Use of Personal Vehicles/CDL Licenses.**

Employees who are required to use their personal vehicles in connection with their employment for the City shall provide evidence of insurance suitable to the City. Such employees will be reimbursed for miles driven on City business at the current rate established by the Internal Revenue Service. If an employee is required to hold CDL license to perform his/her duties for the City, the City will reimburse the employee for the difference in cost between a regular driver's license and a CDL license.

**Section 17. Post-Accident Testing.**

Post-accident testing shall be required to test employees after a vehicular or equipment accident has occurred in which a fatality has occurred, or when a traffic citation is issued after an accident, or testing may be required where injury to a person required transport to a medical treatment facility or disabling damage to one or more vehicles or equipment and may require towing from the accident site to occur or an accident report is filed with a law enforcement agency. Controlled substance and alcohol testing may include breath alcohol, urine, or blood testing of the employee(s).

**Section 18. All ordinances', or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.**

**Section 19. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.**

**Section 20. Victims of Domestic and Sexual Violence.**

A. An employee who is a victim of domestic or sexual violence or a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it related to the domestic or sexual violence may take unpaid leave from work to address such violence by:

1. Seeking medical attention for, or recovering from, physical, or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
2. Obtaining services from a victim services organization for the employee or the employee's family or household member;
3. Obtaining psychological or other counseling for the employee or the employee's family or household member;

4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or to ensure economic security; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

B. Definitions:

1. "Abuse" means any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or several forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10).
2. "Domestic violence" means abuse or stalking committed by a family or household member.
3. "Family of household member" means for employees with a family or household member who is a victim of domestic or sexual violence, a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.
4. "Reasonable safety accommodation" means an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence, any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.
5. "Sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.
6. "Sexual violence" means a sexual assault and trafficking for the purposes of sexual exploitation.

7. “Trafficking for the purposes of sexual exploitation” means when a person knowingly recruits, entices, harbors, transports, provides, advertised the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

8. “Victim of domestic or sexual violence” means an individual who has been subjected to domestic violence, sexual violence, or abuse.

9. “Workweek” means an individual employee’s standard workweek.

C. Leave Time.

1. Employees are eligible to take unpaid leave if:
  - a. They are victims of domestic or sexual violence; or
  - b. They have a family or household member who is a victim of domestic or sexual violence. employee will be required to provide employee’s supervisor with certification described in subsection 6.12(e)below of the need to take leave under this section. The amount an eligible employee may take of unpaid leave is as follows:

Number of Employees employed by City (includes any person performing work or service of any kind or character for hire)	Amount of Unpaid Leave Time During any 12-month Period
1 - 19 employees	None
20 – 49 employees	1 workweek
50 or more employees	2 workweeks

2. The leave time stated above cannot extend the 12 workweeks allowed under the Family Medical Leave Act.

3. Leave time can be taken intermittently or on a reduced work schedule basis.

4. City shall maintain coverage for the employee and any family or household member under any group health plan for the duration of the leave and at the level and under the conditions coverage would have been provided if the employee had not taken leave. If the employee fails to return from leave after the period of leave has expired for a reason other than the continuation, recurrence, or onset of domestic violence, sexual violence, abuse, sexual

assault, or human trafficking, the City may recover from the employee the premium that the City paid for maintaining any group health plan while employee was on leave. If the employee fails to return to work for the reasons listed above, employee is required to provide the employee's supervisor with a certification and documentation as set forth in subsection 6.12(e) below.

5. Employee is entitled, on return from the leave, to be restored to the position employee held prior to when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
6. The City may require that employee provide periodic updates to the employee's supervisor on the status and intention of the employee to return to work while on leave.

D. Process to Take Leave:

1. Employee shall provide employee's supervisor with at least 48 hours advance notice of the employee's intent to take leave under Sec. 6-12, unless providing such notice is not practicable.
2. If an unscheduled absence occurs, the City will not take action against the employee if the employee provides certification pursuant to subsection 6.12(e) below within 48 hours of the unscheduled absence or such other time period that the City deems reasonable.

E. Certification.

The employee must provide the employee's supervisor with a sworn statement that either:

1. Employee is a victim of domestic or sexual violence; or
2. Employee's family or household member is a victim of domestic or sexual violence. the sworn statement must be accompanied by one or more of the following:
  - a. Documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence or sexual violence and the effects of such violence;
  - b. A police or court record of the domestic or sexual violence; or
  - c. Other corroborating evidence.

F. Confidentiality.

All information provided to the City, including the employee's sworn statement and certification documents, and the fact that the employee requested leave under this disclosure is requested or consented to in writing by the employee or by applicable federal or state law.

G. Reasonable Accommodations

The City shall make reasonable safety accommodations, in a timely manner, to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence or a family or household member being a victim of domestic or sexual violence. If the accommodation would impose an undue hardship on the operation of the City, then the City shall not be required to provide said accommodation upon demonstrating the undue hardship.