

CITY OF BUTLER

Personnel Policy

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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/revision 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 based on 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, 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 workplace 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 based on 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 based on 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 based on 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 Employees and Regular Part-Time Employees 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 programs 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, Presidents Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving Day, 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.

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 (5th) full year of service.
- Regular employees earn eighty-eight (88) hours of vacation time after the completion of their sixth (6th) full year of service.
- Regular employees earn ninety-six (96) hours of vacation time after the completion of their seventh (7th) full year of service.
- Regular employees earn one hundred four (104) hours of vacation time after the completion of their eighth (8th) full year of service.
- Regular employees earn one hundred twelve (112) hours of vacation time after the completion of their ninth (9th) full year of service.
- Regular employees earn one hundred twenty (120) hours of vacation time after the completion of the employee's tenth (10th) full year of service.
- The 120 hour per year rate continues through the completion of a regular employee's fourteenth (14th) full year of service.
- Regular employees earn one hundred sixty (160) hours of vacation time after completion of their fifteenth (15th) full year of service.
- The 160 hour per year rate continues through the completion of a regular employee's twenty-fourth (24th) full year of service.
- After the completion of the twenty-fifth (25th) 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 addition 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 cease. 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 (16th) day of the month or cease employment after the fifteenth (15th) 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 eight (8) hours of sick leave per month. Each year on January 1, sick leave accrued more than 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 more than 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 more than 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,

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, 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 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 two 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 a 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 members 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 while 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 donate. 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 if 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 the donated

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 workers compensation benefits for that injury will continue to receive their regular pay for up to sixty (60) days per year, provided:
1. The employee returns any workers compensation benefits received on account of the injury to the City in return for the City continuing the employee's pay.
 2. The employee agrees to a physical examination by a physician selected by the City to confirm the injury, if requested by the City.
 3. The employee accepts any other duties or assignments offered by the City that the employee can perform, as determined by the physician selected by the City.
 4. Disability leave provided under these circumstances will not be charged to sick leave, vacation leave, or compensatory time.
- G. Funeral Leave: Regular employees may be granted up to three workdays 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 \$10.00 per year of service in the form of a gift card (\$200.00). Employees retiring with thirty years (30) or more of service shall receive three nights stay at Big Cedar Lodge and a gift card of \$10.00 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 workers compensation laws).
3. Maximum Leave: Up to twelve (12) weeks in any rolling twelve (12) month period, measured backward from the date the employee 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 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. 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 workers compensation laws), in which case the employee must exhaust all such paid time off benefits, after which the leave will be unpaid.
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:

- a. The employee must provide a release to return to work (with or without restrictions) from the health care provider.
- b. 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.
- c. 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.

N. 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 directly improve the operations of the organization, or provide better public service, or otherwise benefit the government directly. In other words, 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 \$5,000.00), a reduction in measurable staff time, or a revenue increase may receive time up to (2) personal days off subject to scheduling approved by the 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 in to 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.

O. Birthday Month Leave:

Full time employees will receive one 8-hour additional day off for their birthday. This must be taken in the month which the employee was born. With this being a birthday month,

it cannot be carried over or paid out. It must be taken time off. Probationary employees are not eligible. This does not affect overtime.

Section 9. Appointments/Promotions

- A. General. Appointments shall be made solely based on 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.
- E. 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 of 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, no 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 more than forty (40) hours over a seven (7) day work period by employees except Police Officers or hours worked more than 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 more than the two hours credit only for time worked more than two hours during the day. Those employees on standby shall be paid for actual time worked in addition to their standby pay with a minimum one-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 the 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. Illegal Drug & Alcohol-Free Workplace Policy.

A. Statement of Need - The City of Butler considers its employees to be its most valuable asset and is concerned about the health, safety, well-being, and satisfactory work performance of all employees. We understand that substance abuse can increase the possibility of accidents, absenteeism, and Worker's Compensation claims, as well as jeopardize the safety and work performance of all employees.

B. The City's Position - The City of Butler is most concerned about those situations where the use of alcohol and/or illegal drugs seriously interferes with the safety, health and job performance of our employees. Such interference can only be considered detrimental to our employees and the City of Butlers business. While we have no intent or desire to

intrude upon the private lives of our employees, we do have an obligation to provide the safest and best possible working environment for all our employees. The City of Butler also understands that certain employees who perform safety-sensitive functions as defined by administrations subject to the Department of Transportation (DOT) regulations are subject to the drug and alcohol testing regulations of said administration(s). These administrations include FMCSA, PHMSA, FAA, FTA, FRA and USCG.

C. The City's and Employees' Responsibilities - The City of Butler recognizes that it has a responsibility to provide a safe and productive work environment for all its employees. Our employees also have a responsibility to report to work fit for duty with no illegal drugs or alcohol in their systems. Furthermore, those employees that operate heavy equipment, drive City owned vehicles and/or carry firearms will report to work fit for duty with no illegal drugs or alcohol in their system that could impair judgement.

D. Definitions

As used in this Section, the terms listed below shall have the following meanings:

1. **Alcohol** - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
2. **Applicant** - a person who has applied for a position of employment with the City of Butler.
3. **Breath Alcohol Technician (BAT)** - an individual who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device. For DOT purposes, a BAT must also meet the criteria of 49 CFR, Part 40, Subpart J.
4. **Designated Employer Representative (DER)** - An employee/official authorized by the City of Butler to take immediate action(s) to remove employees from duties or cause employees to be removed from duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the City of Butler, consistent with the City of Butlers' drug and alcohol testing policy. Currently, the City of Butlers DER is the City Administrator.
5. **Illegal Drug** – means any drug requiring a medical prescription, to include medical marijuana as allowed for by State law (for non-DOT regulated positions), for which an employee does not have a lawful medical prescription; and any other drug listed as controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and further defined in regulation 21 C.F.R. 1308.11-13.08-15. (This definition explicitly excludes the legal use under Missouri State Law of Medical Marijuana for non-DOT regulated positions). DFWP testing will include amphetamines, cannabinoids, cocaine, and opiates; DFWP tests may also include phencyclidine (PCP), barbiturates, benzodiazepines, methaqualone,

methadone and propoxyphene, as well as any other drug the City of Butler may designate in the future.

6. **Impaired or Impairment** – means the employee's ability to perform his or her duties is diminished to an unacceptable or unsafe level as determined by the employee's supervisor.
7. **Laboratory** - Any U.S. laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), pursuant to federal and state law requirements.
8. **Medical Review Officer** - A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the C drug testing program and evaluating medical explanations for certain drug test results.
9. **Safety-Sensitive Employee/Safety-Sensitive Position:**
 - a. Any employee who drives a vehicle of or for the City of Butler, carries a firearm, or operates equipment of the City of Butler that could affect the safety of said employee, other employees of the City of Butler or a member of the public at large. Examples of these positions would be:
 - i. All sworn police officers, including reserves and non-sworn communication officers.
 - ii. All members of the City of Butler Fire Department, volunteer and full time.
 - iii. Public works employees such as the superintendents and assistants, plant treatment operators, Lab Technicians and laborers.
 - iv. Employees of the Parks and Recreation Department.
 - v. Other departments as deemed appropriate.
 - b. Any employee who performs safety-sensitive functions as defined by administrations subject to the Department of Transportation (DOT) regulations. These administrations include FMCSA, PHMSA, FAA, FTA, FRA and USCG.
10. **Substance Abuse Professional (SAP)** - A person who evaluates employees who have violated the City of Butler illegal drug and alcohol policy and makes recommendations concerning education, treatment, follow-up testing and aftercare.

E. Circumstances Under Which Testing Is to be Performed and Persons Who Are Subject to Drug and/or Alcohol Testing

1. **Pre-employment** - All applicants for employment must pass a pre-employment drug screen prior to the beginning of their work for the City of Butler. The test shall be administered following a contingent offer of employment. This includes all parttime and summer help applicants. All new hires will be provided the City of Butler policy during the interview and will be required to be tested for illegal drugs

prior to employment. A negative test will be a condition of employment or evidence of a valid medical prescription in the case of a positive result, to include a medical marijuana card, if the position allows for such an exception (i.e. non safety-sensitive position). The City of Butler will not hire any applicant who refuses to undergo said drug testing or whose drug test is confirmed to be positive unless evidence of a valid medical prescription and the position is a non safety-sensitive position.

2. Reasonable Suspicion - The City of Butler will require an employee reasonably suspected of being under the influence of alcohol and/or drugs, and so documented, to be tested by qualified personnel for the use of drugs and/or alcohol.
 - a. Observations of employee conduct while the employee is at work or on duty, which cause the City of Butler to require reasonable suspicion testing of an employee, shall be made by a supervisor or department head who has received training for the detection of symptoms or manifestations for being under the influence of drugs or alcohol. The supervisor and/or department head making the observation shall be required to make written documentation of the observations leading to reasonable suspicion testing immediately before, or as soon as possible after, the determination to test is made, but no later than 24 hours after the determination to test is made. Testing will be required of all employees, regardless of classification, when reasonable suspicion exists.
 - b. Every effort shall be made to have reasonable suspicion testing administered within two (2) hours of the determination that reasonable suspicion exists. But, the attempt to test for alcohol shall cease if the alcohol test is not performed within eight (8) hours after the determination to test; attempts to perform the drug test after thirty-two (32) hours.
3. Post-Accident or On-the-Job Injury
 - a. An employee who is involved in an on-the-job accident or injury will be tested for alcohol and drugs, as part of the City of Butler investigation into the cause of the accident. Post-accident testing shall be required to test employees after an on-the-job 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).

- b. Every effort shall be made to have post-accident/on-the-job injury testing administered within two (2) hours of the accident/injury. But, the attempt to test shall cease: for alcohol, if the test is not performed within eight (8) hours after the accident/injury; for drugs, if the test is not performed within thirty-two (32) hours of the accident/injury.

4. Random

- a. All employees are subject to unannounced testing based on a random, scientifically based selection. If an employee is randomly chosen to take a drug and/or alcohol test, and the test is positive, the employee will be subject to immediate disciplinary action up to and including termination. The City of Butler shall test at the frequency and volume it deems necessary to ensure the safest, most productive workplace possible, or to meet federal testing percentages (when applicable). Dates for this testing are spread throughout the year.
- b. The City of Butler will establish one or more random testing pools (as needed) to effectively administer random testing:
 - a. A pool(s) for all non-DOT employees.
 - b. A pool(s) for all DOT defined employees.

- 5. Return-To-Duty - Any employee who elects to make use of the City of Butler Employee Assistance Program (EAP) will be required to submit to, and pass, a return-to-duty drug and/or alcohol test after completion of an evaluation by a certified Substance Abuse Professional (SAP), successful completion of the SAP's recommended rehabilitation program, and prior to being allowed to return to work. The cost of the above evaluations, rehabilitations and testing will be borne by the employee.
- 6. Follow-Up - Any employee of the City of Butler who successfully completes a SAP evaluation and rehabilitation program, and passes a return-to-duty drug and/or alcohol test, will be required to submit to, and pass, periodic follow-up drug and/or alcohol tests. Follow-up testing will be unannounced. The frequency and volume of testing will be determined by the SAP, but no less than six (6) tests in the first twelve (12) months immediately following the employees return to work, and no greater than sixty (60) months.

F. Violations — A violation is considered misconduct and may result in suspension or termination of employment.

1. Alcohol:

- a. Possession or drinking of any alcoholic beverage on the City of Butler property, including the parking lot, driveways, at the City of Butler work sites and in the City of Butler vehicles, at any time, including during breaks or lunch, is prohibited. Also, reporting for work while under the influence of alcohol is prohibited. An individual who is found to have a concentration level of alcohol in the body in excess of .02 is considered impaired and disciplinary action will be taken.
- b. Levels of consequence are:
 - a. 0.02 - 0.039. Employee will be immediately removed from duty, without pay, and will not be allowed to return to work for twenty-four (24) hours.
 - b. 0.04 or greater. Employee will be immediately removed from work, without pay, and will not be allowed to return to work until successful completion of the City of Butler employee assistance program.

2. Illegal Drug:

- a. Possession, use, distribution, purchase, sale or offering for sale of illegal drugs, including medical marijuana and prescription drugs without a prescription on the City of Butler property, including the parking lot, at the City of Butler work sites, and the City of Butler vehicles, at any time, including breaks or lunch is prohibited.
- b. Reporting for work or working while impaired or under the influence of any controlled or illegal substance, except a drug prescribed for the employee by a physician and used by the employee as prescribed, will be disciplined. The burden of proof lies with the employee. The disposition of each case will be determined by the City of Butler.
- c. Employees who are not actually on the City of Butler property, but are performing work for the City of Butler, are expected to follow these work rules. Failure by any employee to comply with these rules while on City of Butler business off-site will be treated the same as if the employee were on the City of Butler property.

G. Refusal To Test - A refusal to comply with a directive to undergo an alcohol or drug test will be treated in the same manner as a positive alcohol and/or drug screen. Discipline, up to and including termination, is the penalty for failing a drug/or alcohol screen.

H. Employee Assistance Program (EAP)

- 1. An employee of the City of Butler may utilize the Employee Assistance Program ("EAP") of the City of Butler one time during the course of said employee's tenure

with the City of Butler. Once an employee has made use of the EAP, any future violation of the City of Butler drug and alcohol program will result in immediate termination of said employee.

2. An employee may make use of the EAP under the following circumstance:
 - a. Voluntary request prior to being notified to test. Once an employee has been notified to take a required drug and/or alcohol test, the employee must submit to the test and may not invoke use of the EAP.
 - b. Failure to pass a drug and/or alcohol test. An employee who fails a required drug and/or alcohol test will be offered the opportunity to complete the City of Butler EAP. An employee who does not elect to complete the EAP will immediately be terminated.
3. An employee who elects to make use of the City of Butler EAP shall be required to bear the costs related to completing the program, which includes, but is not limited to: the SAP evaluation; any rehabilitation; the return-to-duty test(s); all follow-up testing.
4. Any employee who seeks to make voluntary use the City of Butler EAP shall make their request directly to the City of Butler Designated Employer Representative (DER). The DER shall be responsible to offer the City of Butler EAP to any employee who fails a drug and/or alcohol test.
5. Completion of the City of Butler EAP shall involve the following:
 - a. Evaluation by a certified Substance Abuse Professional (SAP) to determine what assistance, if any, the employee needs in resolving problems associated with alcohol and/or drug abuse or misuse.
 - b. Successful completion of the SAP's prescribed rehabilitation program. The SAP shall be responsible to determine if the employee has properly followed and completed the prescribed rehabilitation program.
 - c. Upon successful completion of steps 1 and 2, the employee must pass a return-to-duty drug and/or alcohol test prior to being allowed to return to work.
 - d. Once the employee has returned to work, said employee must pass a series of follow-up drug and/or alcohol tests. The number of follow-up tests will be consistent with the City of Butler policy for follow-up testing.

I. Worker's Compensation - Missouri's Worker's Compensation Law allows penalties against employees who test positive for the use of alcohol and/or illegal drugs after a work-related accident and/or injury. These penalties may result in the forfeiture of 50% to 100% of Worker's Compensation benefits, depending upon the circumstances and cause of the accident.

J. Employee Education and Supervisor Training

1. Employee education shall consist of:
 - a. Educate employees about the harmful effects of drugs and alcohol in the workplace. In connection therewith:

- i. The City of Butler shall provide educational materials that explain the City of Butler policies and procedures with respect to meeting the requirements of this policy.
 - ii. The City of Butler shall ensure that a copy of these materials is distributed to each employee prior to the start of drug and/or alcohol testing and to each driver transferred into a position requiring driving a commercial motor vehicle.
 - b. Encouraging employees to voluntarily seek assistance through the EAP.
 - c. Informing employees about the collection process, times of compliance, certification of laboratory, MRO and SAP, and process to appeal results.
 - d. Informing employees about the City of Butlers concern for correcting drug and alcohol use or dependency before it adversely affects an employee' s work record and causes irreparable harm to the employee and the residents of the City of Butler.
 - e. Providing written notice to representatives of employee organizations of the availability of this information,
 - f. Designating the City of Butler City Council and/or the City of Butler designee as the DER to answer questions concerning distributed materials and the City of Butler policies.
2. Supervisor training shall include a minimum of 60 minutes of training on alcohol misuse and an additional 60 minutes of training on illegal drug use. The training will be used by supervisors to determine whether reasonable suspicion exists to require an employee to undergo reasonable suspicion testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of illegal drugs. In addition, training will include effective methods of confrontation and documentation.

K. Procedures and Providers

- 1. Drug and/or Alcohol Collection and Collectors
 - a. All drug and/or alcohol collections will be performed by individuals meeting federal testing requirements as set forth by 49 CFR, Part 40.
 - b. All drug and/or alcohol collections will be performed in a manor consistent with federal testing regulations as set forth in 49 CFR, Part 40, unless otherwise designated for collections made for non-DOT collections.
 - c. Collections will be provided by:
 - TOMO Drug Testing
 - 2055 S. Stewart, Ste. E
 - Springfield, Missouri 65804
 - Phone: 417-887-7697
 - Fax: 417-887-7692
- 2. Laboratory and Medical Review Officers (MRO)

- a. The process for laboratory testing of drug specimens and MRO evaluation of drug test results and reporting of results shall be consistent with the guidelines set for in federal regulations found in 49 CFR, Part 40.
 - b. Laboratory services will be provided by:

CRL
8433 Quivira Rd
Lenexa, KS 66215
Phone: 800-452-5677
 - c. MRO services will be provided by:

Dr. Stephen Paschall, MD
9330 Priority Way W Drive
Indianapolis, IN 46420 Phone: 317-547-8620
3. Substance Abuse Professional
- a. The City of Butler will supply the name(s) of the individual(s) that meet federal criteria to perform the services of a Substance Abuse Professional consistent with 49 CFR, Part 40.
 - b. Potential SAP providers include:

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| Tri Star Counseling/ Dr. Michael Londe 712 E. 32 nd St., Ste. 1 Joplin, MO 64804 Phone: 800-621-3426 Fax: 417-781-1922 | Alternative, Inc. 5337 S. Campbell Ave Ste. F Springfield, MO 65810 Phone: 417-883-7227 www.missourialternatives.com | Mark Rembecki 1303 Edgewood Dr. Jefferson City, MO 65109 Phone: 573-645-0674 |
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L. Confidentiality

1. The City of Butler shall maintain all drug and alcohol test results and related information, including, but not limited to, interviews, reports, statements and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding or any civil or administrative proceeding except in those actions taken by the City of Butler or in any action involving the individual tested and the City of Butler or unless such records are ordered released pursuant to a valid court order.
2. The records described in Paragraph 1 above, and maintained by the City of Butler, shall be the property of the City of Butler and, upon the written request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The City of Butler shall not release such records to any person other than the applicant, employee of the City of Butler MRO, unless the applicant or employee, in writing, following receipt of the test results, has expressly granted permission for the City of Butler to release such records or unless released pursuant to a valid court order.

3. Records of federal drug test results shall be kept for a minimum length of time consistent with federal testing regulations stipulated by the DOT administration(s) to which the City of Butler is subject. Results from non-federal testing may be kept in the same manner.

Section 13. Medical Marijuana.

1. 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 12 above.
2. All 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.
3. No City employee shall be on City premises, in City vehicles, or conduct City business while under the influence of medical marijuana.
4. 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 12 above. Any employee who tests positive for marijuana may be subject to disciplinary action up to and including termination.

Section 14. Conduct and Discipline.

1. 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.

2. 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, deportment, 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 on 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. To provide some examples, however, the following types of conduct will be subject to disciplinary action, up to and including termination.

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 employees' 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.

3. 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 of City property or in City vehicles.

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

5. 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.

6. 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.

7. Violation of Safety Rules.

Smoking in prohibited area; 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.

8. 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.

9. Incompetence.

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

10. 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.

11. 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.

12. Violation of city or department administrative rules and regulations.

Section 15. 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 16. 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 17. 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 a 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 18. 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 averse to the employee as it relates 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€ 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 condition's 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 act 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 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.

Section 19 Social Media Policy

A. City's Social Media Accounts

- 1. The City's social media accounts shall be administered and monitored by the City Clerk or other City official(s), as determined by the Mayor.
- 2. The City's website www.butlermo.com is the City's primary and predominant internet presence. Whenever possible and appropriate, content posted to the City's social media accounts shall also be available on the City's website. In addition, whenever possible and appropriate, content posted to the City's social media accounts shall contain links directing users back to the City's

official website for in-depth information, forms, documents, or online services necessary to conduct business with or within the City.

3. The same City official responsible for disseminating public information on the City's website shall be responsible for the content of any related social media accounts.
4. The City's social media accounts shall comply with all applicable City ordinances, policies, and standards.
5. The City's social media accounts shall comply with all applicable Missouri State statutes, ethics and elections regulations, and administrative rules.
6. The City's social media accounts are subject to Missouri public records laws; as such, any content maintained in a social media format is a public record. The City Clerk is responsible for responding to any public records requests. Whenever possible and appropriate, the City's social media accounts shall clearly indicate that any comments and content posted or submitted for posting are subject to public disclosure.
7. Whenever possible and appropriate, viewers/users of the City's social media accounts shall be notified that the following forms of content are not permitted:
 - a. Profane or aggressive language;
 - b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
 - c. Sexual content or links to sexual content;
 - d. Solicitations of commerce;
 - e. Conduct or encouragement of illegal activity;
 - f. Information that may tend to compromise the safety or security of the public or public systems; and
 - g. Content that violates a legal ownership interest of any other party.
8. The City reserves the right to restrict or remove any content that is deemed in violation of this policy and may immediately edit or remove posts or comments.
9. The City reserves the right to disable all post and comment features on the City's social media accounts.
10. Utilization of social media sites should fall under two categories:
 - a. As a Marketing/Promotional tool in order to distribute information to a wide scale audience in a timely manner; and
 - b. Release time-sensitive information as quickly as possible (i.e. emergency information).

11. Any newly proposed social media site must be approved by the City Administrator prior to setup and use.

12. The City Clerk will maintain a list of all City-approved social media sites.

B. City Employees' Social Media Accounts

1. The City respects its Employees' private rights to post and maintain personal websites, blogs, and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The following guidelines apply to personal communications using various forms of social media:

a. The City expects its Employees to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City Employee or Agent, those Employees and Agents must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This Section and its limitations apply when the action of the Employee adversely affects the Employee's work, job duties, or ability to function in the Employee's position or creates a hostile work environment.

b. Employees and Agents and others affiliated with the City must not use a City brand, logo, badge, uniform, city-issued clothing, or other City identifiers on their personal sites, nor post information that purports to be the position of the City without prior authorization.

c. Employees and Agents are discouraged from identifying themselves as City employees when responding to or commenting on blogs with personal opinions or views. Employees must not use their City title when engaging in personal use of social media. If an employee chooses to identify him or herself as a City of Butler employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:

"These are my own opinions and do not necessarily represent those of the City."

2. Employees shall not divulge any of the City's private and confidential information.

3. Employees shall not use personal social media accounts to speak on behalf of the City.

4. Employees who become aware of negative or disparaging posts or comments about the City, City employees, or City officials, should avoid the temptation to react and instead report the content to their supervisor.

5. Employees should have no expectation of privacy for any content that is viewed, downloaded, printed, created, stored, received, sent, or otherwise transmitted from or through City-provided technology and equipment.
6. Do not use City of Butler email addresses to register on social networks, Blogs or other online tools utilized for personal use.