

City of Neosho Employee Handbook



*Revised by City of Neosho Staff
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Chapter 1. **General Provisions**

Section 1.01 Purpose

The purpose of this manual is to establish an efficient, equitable and functional system of human resource and benefit administration that is compliant with all federal, state, and local employment and labor laws. This section establishes the roles and functional responsibilities that support the Personnel Manual. Guidelines may vary due to significant unforeseen events. This Handbook is an overview and a guideline. It cannot cover every matter that might arise in the workplace. We are, of course, committed to complying with all applicable laws. This manual is to set forth the principles and procedures that will be followed by the City of Neosho in the administration of its personnel program. If you have specific questions, please contact our Human Resources Department.

The personnel programs established in this manual shall maintain a fair and equitable system of rules and regulations only authorized by the City Council. The rules and regulations set forth in this manual shall be applicable to all employees of the City unless they are covered in part or whole by contract. This manual supersedes all previous publications pertaining to personnel policies.

Section 1.02 No Contract Created by this Handbook

(a) The handbook should not be construed as an employment contract or agreement, express or implied, for employment for any specified period of time.

(b) The City of Neosho, through ordinance by the City Council, reserves the right to make changes to these policies from time to time without notice. When changes are necessary, we will provide you with amended pages for your handbook. In the event of any discrepancy between this handbook and adopted city policies, the adopted policies will prevail. Neither does the Handbook guarantee any prescribed process for discipline and discharge. The purpose of the Handbook is to simply provide you with a convenient explanation of present policies and practices at the City.

(c) No manager or other representative of the City, other than the City Manager and approval from the City Council, has the authority to enter into any agreement guaranteeing employment for any specific period. No such agreement shall be enforceable unless it is in writing and signed by the City Manager, the employee, and other personnel where applicable.

Section 1.03 Policy Review

The City of Neosho's Personnel Policy shall be reviewed on an annual basis by the City Manager and Human Resources Director to ensure compliance with all laws and regulations.

Section 1.04 Introduction to the City

Neosho is known as the “City of Springs” and was founded in the early 19th century. The name Neosho comes from the Native American name for clear or abundant water. Camp Crowder, located just south of the city, was a major training facility for army personnel during World War II. Thomas Hart Benton, renowned artist, was from Neosho and several of his works can be found around the city. George Washington Carver was also from the Neosho area and went to school in the city. In 1957 Neosho was one of eleven cities in the country to be voted an “All-American City”. Neosho is home to one of the oldest National Fish Hatcheries in the country and it continues to expand. The comic strip “Beetle Bailey” was based on experiences at Camp Crowder and written by Mort Walker. Today more than 12,000 people call Neosho “home”.

The City of Neosho exists to provide services to the citizens of our community. Some services are more traditional, such as police and fire protection, and maintenance of safe and adequate water and street departments. Other services provided include building inspections, parks, and recreation, planning and zoning, and sewage treatment. Revenues to pay for many of these services are provided through sales taxes and various fees. Revenues for other services such as some parks programs and swimming pool maintenance are provided by user fees. All the services the City of Neosho provides are important to its citizens. The quality of life in Neosho depends upon the services provided by the City, and the quality of the City’s service depends on how well we do our jobs.

Section 1.05 The City Organization

The City of Neosho operates under the Council/Manager form of government. [City of Neosho, MO The City and Its Powers: Section 1.02 Form of Government. \(ecode360.com\)](#) Section 1.02

- (a) City Council [City of Neosho, MO City Council \(ecode360.com\)](#) Section 1.05

The City Council is made up of elected officials each serving a three-year term. [City of Neosho, MO City Council: Section 105.060 Composition — Terms of Councilmen. \[1\] \(ecode360.com\)](#) Section 105.060

- (b) Mayor [City of Neosho, MO The City Council: Section 2.05 Mayor and Mayor Pro Tempore. \(ecode360.com\)](#) Section 2.05.

The Mayor is elected by the City Council and serves a term of one year.

- (c) City Manager [City of Neosho, MO The City Manager \(ecode360.com\)](#) Section 3.0

The City Manager is appointed by the City Council and serves as the Chief Administrator of the City and is responsible for the proper administration of all City affairs.

Section 1.06 Classification of Employees

- (a) **Regular Employees.** Regular employees are all employees who consistently work forty (40) or more hours per week, provide services not limited in duration, and fill approved and regularly funded positions.

(b) **Exempt Employees** positions are identified as follows:

- i. *City Manager*
- ii. *Finance Director*
- iii. *Police Chief*
- iv. *Lieutenant*
- v. *Fire Chief*
- vi. *Deputy Fire Chief*
- vii. *Public Works Director*
- viii. *Human Resources Director*
- ix. *Developmental Services and Grants Director*
- x. *Parks and Recreation Manager*
- xi. *Golf Course Manager*
- xii. *Municipal Judge*
- xiii. *City Attorney/Prosecutor*
- xiv. *City Clerk*

(c) **Part-Time/ Temporary Seasonal.** Employees whose positions are funded on a seasonal, temporary, or other special time basis. Such appointments are not intended to continue on a career basis and do not have expectations of regular full-time employment.

- (1). The position must be authorized in the current budget and such employees should work less than 1499 hours and/or 6 months in any fiscal year.
- (2). Part-time employees shall not exceed thirty (30) hours per week.
- (3). Such employees are not eligible for benefits except those required by the Social Security Administration or other federal laws.

(d) **Temporary Full- Time.** Employees hired for and retained based on a specific project or program. They are scheduled to work 40 hours per week and may work overtime but may not work more than 1499 hours in any given year. Temporary Full-Time employees are not eligible for benefits.

(e) If your status changes from Temporary Full-Time or Part-Time/Seasonal to Regular Employee, you are considered hired on the date you become a full-time employee for purposes of calculating eligibility for benefits that require a minimum term of employment.

Section 1.07 Fair Labor Standards Act (FLSA) classifications:

(a) Exempt Employees are assigned to job classifications, which are designated as executive, administrative, or professional. These classifications are paid on a salaried basis under the provisions of the Fair Labor Standards Act (FLSA) and will not receive overtime compensation.

(b) All other employees are considered NON-EXEMPT and are governed by the provisions of the Fair Labor Standards Act (FLSA) and will be compensated via overtime pay or compensatory time off in accordance with FLSA guidelines.

(c) FLSA standards may vary depending upon profession.

Section 1.08 Personnel Administration

Policies and procedures set forth in this chapter shall not be construed as limiting the power and authority of any Department Director to make departmental rules and regulations governing the performance and conduct of employees, so long as such rules and regulations are not in conflict with this manual and have the approval of the City Manager.

Section 1.09 Administration of the Rules

The personnel programs established in this manual shall be administered by the City Manager. The City Manager shall from time to time recommend to the Mayor and City Council appropriate amendments to maintain a fair and equitable system of personnel rules and regulations. The provisions of the rules may be revised or amended in the same way they were originally adopted.

Section 1.10 Role of Employee

Each City employee is responsible for performing their assigned duties to meet service needs of the City. It is the responsibility of each employee to become and remain familiar with these provisions as amended. Lack of knowledge of, or familiarity with, any provision of this manual shall not provide any excuse for violations of that provision. Should any questions arise from reading these policies and procedures, please address them to your immediate supervisor.

Section 1.11 Role of Department Directors

Department Directors are expected to effectively supervise employees in their department and to maintain appropriate working relationships. They have the authority to establish policies affecting departmental functions providing that such policies are consistent with the City's Charter, ordinances, and policies. The department rules that are personnel related shall be in written form and submitted to the Human Resources Manager for review prior to implementation. Department Directors will periodically report upon the efficiency of their subordinates and coordinate with the Human Resources Manager on any changes in duties of their employees for the purpose of Classification Plan maintenance. The City Manager shall approve all personnel actions related to department directors.

Department Directors are responsible for effective personnel management within their departments. They may:

(a) Develop work rules and regulations consistent with this manual.

(b) Delegate authority to supervisors to administer this manual and any department work rules and regulations developed pursuant to it.

(c) Establish objectives and programs to improve personnel management within the department.

(d) Approve all personnel actions relating to their departments such as vacation leave, overtime, evaluations, sick leave, etc.

Section 1.12 Approval of Department Director Personnel Actions

The City Manager shall approve all personnel actions related to department Directors.

Section 1.13 Role of Human Resources

(a) The Human Resources Manager is responsible for the proper administration and interpretation of the City's Personnel Manual, pay plan and job descriptions; and for providing appropriate recommendations on personnel matters including reviewing and making recommendations for updates to this manual as may be necessary, under the direction of the Assistant to the City Administrator. Additionally, the Human Resources Manager shall act as the Americans with Disabilities Act Coordinator and Privacy Officer.

(b) Maintain inventory of budgeted positions in the City's service.

(c) Maintain job descriptions for each position. Job descriptions include a title; a description of the nature of work and relative responsibilities of the position; examples of work which are illustrative of the duties of the position; requirements of work in terms of knowledge, skills, and abilities necessary to perform the work and a statement of minimum qualifications for recruitment into the position.

(d) When applicable, hold competitive examinations for appointments in the classified service and give publicity to all announcements of competitive examinations.

(e) Establish training and educational programs for municipal employees.

(f) Annually report on the operation of human resources provisions to the City Manager.

(g) Supervise the recordkeeping of personnel files required by applicable laws.

(h) Perform such duties as may be required by ordinance or by the City Council.

Section 1.14 At-Will Employees

Missouri law provides that employees of municipalities are hired at will and may be discharged at will. The exceptions are the City Clerk, City Manager, and the City Attorney. The adoption of these regulations can in no way conflict with Federal, State or Local laws in that respect.

Section 1.15 Personnel Manual Distribution

With the issuance of each manual and any revisions to the manual, employees will be required to sign documentation verifying receipt of the manual, updates, and/or revised policies. Signed documentation will be sent to Human Resources to be placed in employees' personnel files. Employees are expected to keep their copy of this Handbook and to update their copy as updates are issued.

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

(b) If employees have any questions as to the interpretation or understanding of these policies or guidelines, or any revised policies, they should be discussed with the Department Director.

Section 1.16 Effect of Work Agreements

These policies apply to all employees, except where specifically and expressly superseded by a written contract or work agreement.

Section 1.17 Employee Suggestions

Employees are encouraged to make suggestions for improvements. Employees who have a suggestion concerning improvements to their job or service rendered by the Department should give the suggestion to their supervisor or department Director.

Section 1.18 Citizen Complaints

Section 1.19 Employees must promptly and politely assist citizens with complaints or questions. If they can't help, they should transfer the caller to someone who can or take their contact information for a callback. If a citizen becomes verbally aggressive, the incident should be reported to a supervisor or department director. All complaints must be documented, and citizens contacted within 24 hours with information about how the issue will be resolved. Personnel matters and discipline are not disclosed to citizens.
Supplemental to the Policy Manual

The personnel policies and guidelines in this Chapter will remain in effect until changes are considered necessary through ordinance. Should such change be warranted and approved by the City Council, it will be distributed and placed where indicated in the policy.

If employees have any questions as to the interpretation or understanding of these policies or guidelines, or any revised policies, they should be discussed with their Department Director.

Individual departmental procedure manuals shall serve as appendices to this personnel policy and shall be updated only with the approval of the City Manager.

Regarding written notice of changes to this manual, all employees will be provided with a written or electronic copy of any changes to this manual. They will be required to sign a notice stating they have been provided with the information. They shall sign such notice and a copy will be placed in their personnel file in the Human Resources Department.

Chapter 2. **Appointment Procedures**

Section 2.01 Equal Employment Opportunity

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position because of age, race, creed, color, gender, sexual preference, national origin, physical disability, political or religious opinions or affiliations.

Section 2.02 Affirmative Action

It is the policy of the City to effectively utilize all available human resources by selecting the best qualified person(s) for the job to be performed. The objective of this personnel policy is to use all qualified, available human resources to the fullest extent, and it is the City's intent to administer this policy in such a manner as not to discriminate against any person(s), employee(s), or job applicant(s) for employment because of race, color, sex, religion, age, national origin, physical disability, political affiliation, or marital status.

This policy is applicable to recruiting, hiring, promotions, layoffs, compensation, job benefits, terminations, and terms and conditions of employment. Since it is important that effective utilization of the City's qualified and available human resources requires more than a statement of policy, it is important to make known the program of affirmative action. The guidelines are as follows:

(a) **Recruitment, Job Placement, and Promotion.** The City will consider all qualified applicants, including minorities and protected group members, for position vacancies, promotional and up-grading opportunities, unless, for example, with age or disability, there are bona fide occupational qualifications that would make these factors relevant for job qualification and performance.

(b) **Training and Development.** All training and educational programs conducted by the City will be reviewed periodically to be certain that all qualified personnel are given the opportunity to participate in these programs.

(c) **Compensation and Employee Benefits.** It is the City's intent and policy to pay all personnel fairly, according to their job classification and in accordance with the current pay policies. City supported job benefit programs for employees will be made equally available to all employees, including minority and other protected group members.

(d) **Working Conditions and Facilities.** The City's facilities will not be segregated, other than restrooms and locker rooms.

(e) **Layoff and Terminations.** Whenever it becomes necessary to reduce the City's workforce, termination, layoff or recall to work will be made without regard to race, color, sex, religion, age, national origin, physical disability, political affiliation, or marital status.

(f) **Communication of Equal Employment Opportunity Policies.** The City will take appropriate action to ensure that all outside recruitment sources and City personnel know of the City's desire to support and take affirmative action toward providing equal employment opportunity.

(g) **Affirmative Action and Administration and Coordination.** The Human Resources Director is designated as the Equal Employment Opportunity/Affirmative Action Program Compliance Officer. The City Manager is the appeal step and certification step for Program Compliance.

(h) **Supervisory and Department Director Responsibility.** Supervisors and Department Directors are responsible for understanding the provisions of the City's Affirmative Action Program and to help ensure its implementation in their departments and with their employees.

(i) **Policy Questions.** Any questions about the City's Affirmative Action Program should be referred to the Human Resources department and City Manager.

Section 2.03 Age

The minimum age for full-time and variable employment as a City employee shall be eighteen (18) years of age. The minimum age for employment of seasonal, part-time, and variable employees shall be sixteen (16) years of age.

Section 2.04 Immigration Law Applicable to All Employees

The City complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9). If you cannot verify your right to work in the United States within three (3) days of hire, the City is required by law to terminate your employment. The City of Neosho is an active E-Verify participant.

Section 2.05 Driver's License

Any City employee who is required to drive a City vehicle as part of their employment must have a valid driver's or CDL license. A suspended, expired, or revoked license will not be a valid license.

Section 2.06 Vacancies

Department Directors shall immediately notify the Human Resources office when a position becomes vacant or where a vacancy is anticipated. Where appropriate, the City Manager or designee will appoint an employee to serve in an acting capacity pending a permanent appointment to the position.

Section 2.07 Recruitment

All regular positions will be posted both internally and externally simultaneously in the media with preference to internal applicants being interviewed first unless otherwise authorized by the City Manager. External advertising may include the local paper and any internet services which are available without cost. Postings can be advertised through MML at cost for Director positions in those respective department budgets. Job postings will describe the general criteria and qualifications of the position. Job posts will be open until filled or unless otherwise designated.

Section 2.08 Employment of Relatives

(a) No official or employee of this City shall, by virtue of such office or employment, name or appoint to public office or employment any relative within the fourth (4th) degree, by blood or marriage.

(b) Relative means an individual who is related to the City employee as husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister or first cousin.

(c) If a conflict arises with the above policy because an employee marries or changes positions within the City, one of the affected employees may be required to transfer to a vacant position for which they are qualified or may be required to resign from employment. Any such transfer will not guarantee maintenance of current rates of pay or classification.

Section 2.09 Placement Procedures

(a) Applications and information pertaining to vacant positions will be made available by the Human Resources office to job applicants. The Human Resources office will receive job applications unless otherwise designated. Those interested in a city position will only be considered with a City of Neosho application for employment submitted. Current employees interested in applying for a vacant position will be directed to discuss with their immediate supervisors and/or department directors and submit an internal application.

(b) The Department Director will establish, subject to the Human Resources Manager's approval, an applicant reviewing process appropriate to the position to be filled. The reviewing process may involve written tests, psychological tests, physical assessment testing, background checks, oral interviews, and other appropriate measures as allowed by law. A selection committee may be used to assist in the reviewing process.

(c) Current City employees are encouraged to apply for vacant positions for which they are qualified. An employee's past service will be considered in the applicant reviewing process.

(d) Background Investigations and Employment Verification

- (1). Upon completion of the reviewing process and prior to extending a job offer, the Department Director will recommend to the Human Resources Director an individual to fill the vacant position and provide the documentation of the reviewing process.
 - (2). The Human Resources Department is responsible for verifying the accuracy of all information provided by applicants on their application and resume. The Human Resources Department and/or Department Directors are also responsible for checking listed references and contacting former employers to help determine the past work performance of the applicant.
 - (3). Candidates for employment will be disqualified if they have a felony conviction which may impact their job responsibilities and duties with the City.
 - (4). The City shall withdraw an offer of employment and the applicant shall not be hired if the applicant's post-offer drug test is positive and the applicant fails to provide or timely provide the verification requested in the City's Drug and Alcohol Policy.
- (e) The City Manager must approve all regular and temporary full-time employee candidates.

Section 2.10 Pre-Employment Health, Fitness and Wellness Evaluations

(a) After accepting a job-offer, but prior to employment, candidates for certain positions shall successfully pass a series of medical evaluations to determine their ability to perform essential job functions that may include:

- (1). Drug Screening. Pre-employment urine drug testing shall be required of all applicants seeking employment in the City of Neosho. Receipt of satisfactory test results is required prior to beginning employment. Failure of a controlled substance or alcohol test will disqualify applicants from employment for a period of not less than 120 days
- (2). General health screening and fitness assessment
- (3). Functional Capacity Evaluation. Comprehensive physical comprising of, but not limited to, lab work, chest X-ray, stress test, and lung capacity measurement.
- (4). Psychological Evaluation. Candidates failing any portion of the pre-employment medical evaluation may be permitted to re-test the failed portion(s) within a reasonable timeframe, provided adequate time is available prior to the need to fill the vacancy; and, that the reason for the failure, in the medical opinion of the City's physician, is due to a testing discrepancy or an easily reversible condition. Candidates failing a second attempt will be passed over for hiring unless reasonable accommodation can be made for the candidate to perform the essential functions of the job.

Section 2.11 Involuntary Transfer

The Department Director and/or City Manager may require any employee to transfer into another position.

Section 2.12 Re-Employment

The past service of former employees who apply for a vacant position will be considered in the applicant reviewing process.

Section 2.13 Employment Applications- Retention Requirements

All employment applications that are received from job applicants will be considered “active” for a period of thirty (30) days. When employment applications become over thirty (30) days old, they will be filed separately and retained for the period required by State Statutes. When a job applicant is hired, the original employment application shall be placed in the employee’s personnel file.

Section 2.14 Introductory Period

The purpose of the introductory period is for the employee to demonstrate their capability, competence, and personal characteristics in fulfilling the requirements of the job to which they are hired and claims qualifications thereof.

Every person appointed to a full-time position with the City by virtue of employment, promotion, transfer, or demotion shall receive a working introductory period while occupying such position. Each employee receiving an appointment or a promotion to a position in the City service must serve an introductory period of six (6) months before his appointment or promotion shall be considered permanent. During the employee’s six (6) month introductory period, the employee’s work habits, attitude, promptness, and other pertinent characteristics will be observed and evaluated by his supervisor, Department Director, and other appropriate City officials. If the probationary employee fails to meet the required standards or performance, they are to be dismissed, or if a promoted regular employee, they may be restored to the position from which they were promoted or to a comparable position when available. Wages for designated holidays falling within the introductory period will be paid to probationary employees. However, should the Department Director feel that the employee has displayed the necessary qualifications and fulfills the duties of the position, they may choose to end that employee's introductory period prior to the six (6) month time frame.

At any time during the introductory period, the Department Director, with the approval of the City Manager, may remove an employee if job performance indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily, or that their habits or dependability do not merit their further employment with the City. An employee removed during the introductory period cannot appeal such removal to the City Manager.

In the case of the transfer from one (1) department to another, an employee who has completed their introductory period after being hired as a new employee, the first three (3) months in the new position will be an introductory period.

However, the City reserves the right to terminate employment at any time. The introductory period is not meant to be construed as a contract for employment.

Section 2.15 Employment Records

The City of Neosho is required by law to keep certain employment records on all of its employees.

All employees shall notify their supervisors or Department Directors, within ten (10) days of any change in their current address, legal name, telephone number, marital status, number of income tax deductions, insurance beneficiaries and persons to contact in case of emergencies.

All official personnel files shall be kept confidential and maintained at City Hall. Employees may view their personal employment records after notification to their Department Director. The City Personnel Department, Department Directors, and City Manager may view personnel files. All viewing of files shall be done in the Human Resources Director's office in the presence of either the Human Resources Director or the Finance Director.

All employee medical records shall be kept separately from "employment" records. Medical records shall be kept in all confidentiality and shall be housed in the Human Resources Director's office.

The Human Resources Director may view employee medical records. Department Directors and the City Manager may view medical records only on a "need-to-know" basis.

Section 2.16 Employee Status – Change of Status

A "payroll change form" stating a change of status, will be filed on employees for the purpose of keeping personnel and payroll records current when any of the following events occur:

1. An employee is hired.
2. A change in employee rate of pay.
3. A change in department.
4. An employee is laid off, quits, or is discharged.
5. A change in classification and/or job title.
6. An employee who has been laid off is re-instated.
7. An employee goes on active duty with U.S. Armed Services.
8. Upon return from U.S. Armed Services.
9. An employee completes the introductory period.
10. An employee takes a leave of absence.

Section 2.17 Continuous Service – Employee Anniversary Date

The following policy and definitions are set forth to assure consistency in the employee's continuous service record and uniformity of practice in the City's personnel administration.

(a) **Anniversary date.** Refers to the date of employment and to subsequent anniversaries of this date. Records shall indicate the "full-time" hire date for those employees who are retained from part-time or temporary/seasonal status to full-time permanent status without a break in service.

(b) **Adjusted anniversary date.** Refers to the changing of the employment date by the number of days the employee has lost from their continuous service record.

(c) **Continuous service.** Shall be considered as the total length of time an employee has been on the City payroll without a break in service.

Seniority shall be determined by continuous full-time service with the City of Neosho, calculated from the anniversary date of employment with the City. Continuous service shall be broken only by resignation, discharge, retirement, or death. In cases where employees have transferred from one (1) department to another department within the City of Neosho without a break in service, for purposes of calculating vacation and retirement, the initial hire date of the employee shall be used. However, that employee's beginning day of employment with the second (2nd) department shall be used in calculating seniority privileges for that department.

Chapter 3. Employment and Workplace Policies

Section 3.01 Equal Employment Opportunity

(a) Discrimination Is Prohibited

(b) The City is an equal opportunity employer and makes all employment decisions without regard to race, religion, color, sex (including pregnancy), national origin, disability, age, genetic information, or veteran status. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leaves of absence, benefits, compensation, and training. We seek to comply with all applicable federal, state, and local laws related to discrimination.

(c) The City makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the position under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

(d) If you believe that an employment decision has been made that does not conform with management's commitment to equal opportunity, you should promptly bring the matter to the attention of the City Administrator. Your complaint will be thoroughly investigated. There will be no retaliation against any employee who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

Section 3.02 Americans with Disabilities Act

(a) The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in position application procedures, hiring, firing, advancement, compensation, fringe benefits, job training and other terms, conditions, and privileges of employment. The ADA does not alter the City's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of their disability, or because of a perceived disability. As a matter of City policy, the City prohibits discrimination of any kind against people with disabilities.

(b) Disability Defined

(1). Disability means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) has a record or history of such an impairment or (3) is regarded or perceived as having such impairment, or as otherwise defined under the Americans with Disabilities Act.

(c) A qualified employee or applicant with a disability is an individual who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

(d) Reasonable Accommodation

- (1). A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a position, perform the duties of a position, or enjoy the benefits and privileges of employment.
- (2). Qualified applicants or employees who are disabled should request reasonable accommodation from the City in order to allow them to perform a particular position. If you are disabled and you wish such reasonable accommodation, contact Payroll/HR. On receipt of your request, we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodation. We will then work with you to determine whether your disability can be reasonably accommodated, and if it can be accommodated, we will explore alternatives with you and endeavor to implement a mutually agreeable accommodation.
- (3). Reasonable accommodation may take many forms and it will vary from one employee to another. Please note that according to the ADA, the City does not have to provide the exact accommodation you want, and if more than one accommodation works, we may choose which one to provide. Furthermore, any accommodation that will impose undue hardship on the City is not considered reasonable.

Section 3.03 Unauthorized Aliens

Pursuant to RSMo 285.530, the City shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri. An “unauthorized alien” is defined as an alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. 1324a(h)(3). The City is enrolled in and actively participates in the E-Verify federal work authorization program. The City verifies the employment eligibility of every employee and retains copies of the dated verification report received from the federal government.

Section 3.04 Workplace Harassment

The City is committed to providing a work environment that provides employees equality, respect, and dignity. In keeping with this commitment, the City has adopted a policy of “zero tolerance” regarding employee harassment. Harassment of any other person, including, without limitation, fellow employees, visitors, clients, or customers, whether at work or outside of work, is grounds for immediate termination. The City will make every reasonable effort to ensure that its entire community is familiar with this policy and that all employees are aware that every complaint received will be investigated and resolved appropriately.

Section 3.05 Sexual Harassment

Sexual harassment is prohibited by federal, state, and local laws, and applies equally to men and women. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favor(s), or other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

These behaviors may include, for example: subtle or overt pressure for sexual favors; inappropriate touching; lewd, sexually oriented comments or jokes; foul or obscene language; posting of suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons; and repeated requests for dates. City policy further prohibits harassment and discrimination based on sex stereotyping. (Sex stereotyping occurs when one person perceives a man to be unduly effeminate or a woman to be unduly masculine and harasses or discriminates against that person because they do not fit the stereotype of being male or female.) The City encourages reporting of all perceived incidents of sexual harassment, regardless of who the offender may be. Every employee is mandated to raise any questions or concerns with HR. The consequence of failing to report an incident is that the observing employee would be considered an accessory to the harassment.

(a) ***Supervisors' Responsibilities.*** All managers are expected to ensure a work environment free from sexual and other harassment. They are responsible for the application and communication of this policy within their work area. Managers should:

- (1). Encourage employees to report any violations of this policy.
- (2). Make sure the Human Resources Department is made aware of any inappropriate behavior in the workplace.
- (3). Create a work environment where sexual harassment is not permitted.

(b) ***Procedures for Reporting and Investigating Sexual Harassment.*** Employees should report incidents of inappropriate behavior or sexual harassment as soon as possible after the occurrence. Employees who believe they have been sexually harassed, regardless of whether a manager, co-worker, vendor, visitor, elected official, or client committed the offensive act, should promptly notify their immediate supervisor or the Department Director. If the employee's immediate supervisor is involved in the incident, the employee should report the incident to the Department Director and/or one of the Designated Representatives listed below. Every claim of sexual harassment will be treated seriously, no matter how trivial it may appear. The City shall promptly and thoroughly investigate all complaints of sexual harassment or other inappropriate sexual conduct.

(c) ***Designated Representatives:*** HR Director, City Manager, Mayor, or City Attorney.

(d) There will be no retaliation for filing or pursuing a sexual harassment claim. To the extent possible, all complaints and related information will remain confidential except to those individuals who need the information to investigate, educate, or act in response to the complaint.

(e) All employees are expected to cooperate fully with any ongoing investigation regarding a sexual harassment incident. Employees who believe they have been unjustly charged with sexual harassment can defend themselves verbally or in writing at any stage of the investigation.

(f) To protect the privacy of persons involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with the parties involved, and where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge. City employees who are aware of incidents, either firsthand or because of investigation, who violate the confidentiality required in these types of situations, will be subject to disciplinary action, up to and including termination.

(g) At the conclusion of a sexual harassment investigation, the complainant and the “alleged harasser” shall be informed of the determination.

(h) ***Penalties for Violation of Sexual Harassment Policy.*** If it is determined that inappropriate conduct has occurred, the City will act promptly to eliminate the offending conduct and take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action, as the City deems appropriate under the circumstances and in accordance with applicable law.

Section 3.06 General

An employer is considered responsible for the same acts of their supervisory employees regardless of whether the acts were forbidden by the employer and regardless of whether the employer knew or should have known of the acts.

With respect to employees, other than supervisors, the employer is considered responsible for acts of sexual harassment in the workplace when his supervisory employees knew or should have known of such conduct. An employer may only rebut liability for such conduct on non-supervisory employees by showing that it took prompt and appropriate corrective action.

Section 3.07 Other Harassment

Other harassment may include, but is not limited to, remarks, jokes, drawings, pictures, cartoons, or statements which reflect on an individual’s race, color, ethnic background, religion, age, national origin, gender, or disability. It is unlawful for an employer to create or to permit to exist a work environment which is hostile to an individual employee or group of

employees because of their race, color, ethnic background, religion, age, national origin, gender, or disability, and the City prohibits such discrimination and harassment.

Section 3.08 Complaint Procedure and Investigation

(a) If any employee believes that they have been discriminated against or harassed, by another employee of the City or by a non-employee while at work, the employee should first attempt to resolve the matter with their immediate supervisor or Department Director.

(b) If the matter cannot be resolved with the immediate supervisor or Department Director, or if the employee believes that a complaint to the supervisor or Department Director would be futile if it is the supervisor or Department Director who is participating in the alleged harassment or discrimination, then the employee should make a complaint to the Human Resources Department.

(c) All complaints will be objectively investigated to determine whether harassment or discrimination has occurred. The matter will be kept confidential in deference to the complaining party and the party about whom the complaint is made. Results of the investigation will be reported to Human Resources.

(d) If the matter is not resolved to the satisfaction of the employee, then the employee may file a grievance pursuant to the City's Grievance Procedure.

(e) Any employee or applicant for employment may file a complaint under this procedure without fear of reprisal or retaliation.

(f) If an employee is found, by investigation or by admitting it, to have engaged in discrimination or harassment against any employee or applicant for employment, or in retaliation against any employee or applicant for employment, they shall be subject to disciplinary action up to and including termination.

Chapter 4. Compensation

Section 4.01 Position Classification Plan

The Position Classification Plan is a system by which the duties and responsibilities of an employee are defined and assigned a description title such as “Firefighter” or “Building Inspector.” The purpose of the plan is to divide the work of the City into job units for which people can be hired, evaluated, and paid in relation to the position duties and responsibilities in an equitable manner.

All positions in the City are listed by grade scale and salary range for each position. The Salary Range Scale sets the rate of pay for various positions according to the relative difficulty of responsibilities, qualifications, working conditions, and other like factors. The Plan provides an opportunity for employees to earn step increases in pay within their own department and respective positions.

Section 4.02 The Classification Plan – Performance Based Pay

The Classification Plan utilizes a performance-based pay system approach. The basic performance-based principles are:

- (a) Qualified individuals should be recruited from all segments of society. Employee selection and advancement should be determined solely by knowledge and skills, relative ability, and after fair and open competition.
- (b) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management regardless of political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
- (c) Equal pay should be provided for work of equal value with appropriate consideration of rates paid by employers in the private sector. Appropriate incentives should be provided for excellent employee performance.
- (d) All employees should maintain high standards of integrity, conduct, and concern for the public interest.
- (e) The workforce should be used efficiently and effectively.
- (f) Employees should be retained because of the adequacy of their performance. Inadequate performance should be corrected, and employees should be terminated who cannot or will not improve their performance.
- (g) Employees should be provided effective education and training.

(h) Employees should be protected against arbitrary actions, personal favoritism, or coercion for partisan political purposes.

Section 4.03 Position Classification Plan – Systematic Arrangement

The Position Classification Plan provides a systematic arrangement and inventory of all positions and groups the various positions into departments indicative of the range of duties, responsibilities, and level of work performed.

The Plan is divided into the following three (3) components:

(a) **Position Classification Plan.** Explains the purpose of the plan, outlines the methodology for its development, defines common terms, and provides for the plan’s implementation and administration.

(b) **Compensation Plan.** Establishes positions within each department, which are alike in responsibilities, duties, and required qualifications needed to reach each step within each position.

(c) **Job Descriptions.** A description of each position including the primary purpose of the position, who will supervise the employee, a description of what is expected of the position, and qualifications for the position that are required.

Section 4.04 Maintenance of Classification Plan

The Human Resources Director is responsible for maintenance of the plan. It is the City Manager’s duty to examine the positions as they are created and to include them in the plan when needed. The City Manager is to review the plan periodically and to recommend any changes, additions, or deletions to the City Council.

Each Department Director will be responsible for setting qualifications within each position in their respective departments. Once established, any changes to these qualifications must be reviewed and approved by the Human Resources Director and City Manager.

Section 4.05 Base Compensation

An employee’s compensation shall be determined at the time of hire, subject to modifications including those provided in this Section.

Section 4.06 Demotion

Employees demoted due to the lack of necessary qualifications to render satisfactory service, inefficient performance, or unacceptable actions or behaviors, shall be placed at the minimum salary level in the position demoted to. Employees demoted due to a reduction in the workforce for voluntary reasons or for the increased efficiency of the city

operation, shall be placed at the salary level in the new position calculated to result in the least possible reduction in pay.

Section 4.07 Pay Periods

The payroll period for City employees is bi-weekly. Paychecks will be direct deposited on the Friday following the close of the two-week payroll period. The City shall pay on an hourly or a salary basis, depending upon the position classification.

Section 4.08 Deductions

The City is required by law to make certain deductions from every employee's paycheck for Federal Income Tax, Missouri Income Tax, Social Security, and Medicare. In addition, the employee may authorize deductions for other City sponsored purposes as approved by the City Manager.

Section 4.09 Hours of Work

The normal and standard work week for full-time employees shall be as follows:

GENERAL EMPLOYEES. Forty (40) hours per seven (7) day period.

FIRE EMPLOYEES. Two hundred twelve (212) hours per twenty-eight (28) day period.

POLICE EMPLOYEES. Eighty-six (86) hours per fourteen (14) day period.

The above hours include both hours worked and holiday hours.

However, this statement shall not be construed as a guarantee of any minimum number of hours of work or a limitation of the number of hours which the City may require an employee to work if conditions necessitate additional hours of work.

New employees and present employees of the City are to be advised by the Department Director of the hours and days of work of the department and those to which the employee is assigned. If reporting hours are not followed, employees may be subject to disciplinary action.

The workweek shall be defined as the seven-day period, starting on Monday, and running through Sunday, unless otherwise directed by the City Manager. Mandatory scheduled lunch breaks will automatically be deducted from the workday for timeclock keeping purposes.

Section 4.10 Time Reporting

(a) All employees (exempt and non-exempt) must keep records of all hours worked and leave time taken and, where appropriate, hours credited to projects. Timesheets for this purpose will be provided by the City.

(b) Time records must be signed by both the employee and the employee's immediate Supervisor prior to each payroll. It is recommended in some departments that these forms be completed after each day's work to maintain an accurate and comprehensive record of the actual time spent on projects.

Section 4.11 Increases in Compensation (Raises)

(a) Raises in any employee's compensation shall be determined from time to time and/or each fiscal year by the Department Director and finalized approval by the City Council. No promise of compensation by any person or persons other than the approved authorities shall be valid or binding on the city. No bonuses or other compensation may be given for work already performed. All approved raises shall become effective no earlier than the first day of the next pay period.

(b) Across the Board Increase. Across the board increases, if approved by the City Council, shall be subject to funding availability and may be given in either flat dollar or percentage amounts. Normally, these increases will be effective at the beginning of the next fiscal year unless otherwise determined. All positions listed in the pay plan are eligible for across-the-board increases.

Section 4.12 Promotion Policy

When an employee is selected for open positions, the following qualifications will be considered:

1. The employee's skills, abilities, and past performance.
2. The employee's physical and mental qualifications.
3. Disciplinary record.
4. Attendance record.
5. Length of service with the City.

Where an employee is promoted to a higher-rated job with a higher wage schedule, unless specifically authorized, the entrance rate shall be the lowest step in the higher salary schedule that will provide an increase over the rate received immediately prior to such promotion.

In all cases, assigned salaries shall conform to the current salary schedule for that position.

The City will endeavor to fill open positions by promotion within the City if in the best interest of the City of Neosho.

Section 4.13 Additional Compensation

(a) Allowances. Allowances are compensation amounts paid monthly or annually to employees for the use of personal items and/or vehicles for the benefit of the City. Allowances will be pro-rated based on time in the position.

- (1). Allowances that are provided as reimbursement for the purchase or replacement of work-related items, materials, or supplies, including tools and uniform items, will not be added to the employee's hourly rate.
- (2). Allowances are a flat rate and are not adjusted by across-the-board increases.

Section 4.14 Overtime/Compensatory Time

(a) All policies governing overtime/compensatory time shall follow the requirements of the Fair Labor Standards Act (FLSA).

(b) Non-exempt employees are eligible for overtime or compensatory time only with prior approval of their immediate supervisor.

(c) Overtime/compensatory time will be given for employees working more than 40 hours per workweek, or other work periods as required for departments to follow FLSA.

(d) Paid time off will not be considered hours worked for purposes of computing overtime/compensatory time.

(e) No employee is eligible to receive both holiday pay and overtime/compensatory time during the same working shift.

(f) Overtime shall be compensated at the rate of one and one-half (1½) times the employee's regular rate including specialty pay.

(g) Compensatory time. Based on departmental needs, an employee may receive, in lieu of overtime compensation, compensatory time off at a rate of one and one-half (1½) hours for each hour worked for which overtime compensation would otherwise be required by this section.

- (1). "Compensatory time" and "compensatory time off" mean hours during which an employee is not working but receives paid time off at the employee's regular rate.
- (2). Employees shall be permitted to use accrued compensatory time within a reasonable time period after it is requested unless doing so would unduly disrupt the operation of the City.
- (3). Upon termination, or reclassification to a FLSA-exempt classification, accrued compensatory balances will be paid to the employee. Payment will be at the hourly rate of pay being received on the date of termination or reclassification.

(h) Travel Time. Compensation for travel time will be paid in accordance with the Fair Labor Standards Act (FLSA) travel time guidelines. However, the City will compensate the driver and passenger in the same manner for travel time, which is slightly more generous than what is required under FLSA.

- (i) The City of Neosho's policy concerning total comp time limits shall be as follows:
1. Employees - Exempt 0 Hours
 2. Employees - Non-Exempt 80 hours
 3. Emergency, Public Safety- Police Department 86 hours
 4. Emergency, Public Safety- Fire Department 120 hours

Section 4.15 On-Call Pay

In some departments, it is necessary to have an employee(s) who is designated or assigned to be "on-call" for emergency purposes. This on-call policy has been established to ensure that qualified City employees are available to respond to possible emergencies that may threaten the welfare of the City of Neosho.

(a) Compensation shall be compensated at a rate determined by the annual budget for each hour they are on call. Calculation for on-call time will be as follows:

- On Call Monday - Friday= 8 hrs. of straight pay
- On Call Saturday & Sunday= 8 hrs. of straight pay
- On Call on Holidays = 8 hrs. of straight pay

(b) Employees who are on-call must be reachable by phone or text or carry a city issued device. On-call employees must remain sober and be able to respond to their workplace. Each department head will designate their own response time within a reasonable timeframe.

Section 4.16 Call-Back

When a situation arises and it becomes necessary to "Call-Back" within 12 hours after their regularly scheduled shift is completed and outside their regular work schedule, that employee shall receive a minimum of one (1) hour compensation in the form of overtime or compensatory time at one (1) and one-half (1/2) times the regular hourly rate. This applies to permanent-regular full-time employees only.

This will not apply to employees who are required to appear in court as a part of their duty on their days off, or to attend court on their unscheduled work shifts. Employees who are required to attend court on their off-duty days or unscheduled work shift shall receive a minimum of one (1) and one half (1/2) hours of compensation in the form of overtime or compensatory time at one (1) and one half (1/2) times the regular hourly rate. Days or times

absent from work shall not be considered in calculating this time. No employee is eligible to receive both holiday pay and call-back pay during the same working shift.

Section 4.17 Emergency Situations

In the event of catastrophe or extreme emergency where the health, welfare, or safety of the public is threatened, or where lives and/or property are endangered, a Department Director or their designate may require employees to report for work for extended periods.

The Emergency Management Director of the City of Neosho shall oversee all natural or chemical emergency situations.

During these extreme situations, management may require employees to perform tasks that are not reflected in their job descriptions. In these situations, the appropriate Department Director reserves the right to employ such persons as may be needed for the duration of the emergency.

Section 4.18 Break Periods

(a) All employees who are scheduled for, and work, an eight (8) hour workday are entitled to a fifteen (15) minute break in their first (1st) four (4) hour period and a fifteen (15) minute break in the second (2nd) four (4) hour period.

(b) Break periods will be scheduled by the supervisor or Department Director at appropriate times not to interfere with City services.

(c) Fire employees shall have break periods totaling one (1) hour.

Section 4.19 Lunch Periods

(a) Generally, scheduled lunch periods for employees are up to one (1) hour. It is the responsibility of the Department Head to schedule lunch periods with their employees. All employees must be completely relieved from duty for their lunch break. If the employee eats lunch at their desk while performing duties, then they must be paid for that time. Employees are not to be compensated for working through their lunch break unless previously authorized by their supervisor or Department Director and the employee can be subject to corrective action for working during their meal break without prior authorization.

(b) Certain jobs require eight (8) hours straight work. In these instances, lunch breaks will be considered work time. Jobs meeting this category must be pre-approved in writing by the City Manager and Department Directors.

(c) Those departments whose staffing requirements call for twenty-four (24) hour service shall have lunch periods of one (1) hour.

Section 4.20 Exemptions from FLSA

(a) Certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

(b) Each City position description shall designate whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.

(c) If an exempt employee is suspended for less than two days, there shall be no deduction from the employee's compensation.

(d) Improper deductions from the pay of exempt employees are prohibited. If an exempt employee believes that an improper deduction from their salary has been made, a complaint should be made to the Human Resources and Finance Director and then reviewed by the City Manager. The complaint will be investigated and upon a finding that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the City will make a good faith effort not to make future improper deductions.

Section 4.21 Personal Telephone Calls

The use of City's phones by employees for personal matters is to be discouraged. Personal calls should only be made on the employee's personal time, such as lunch or break periods.

Employees are discouraged from using personal cell phones while on duty. Personal cell phone usage should be limited to meal breaks or emergency situations. City employees are discouraged from using cell phones while driving a city vehicle.

Section 4.22 Bulletin Boards and Notices

(a) Each Department shall have a designated bulletin board. All notices which affect employees shall be posted.

(b) No handbills or notices may be distributed or posted on City property without the approval of the City Manager.

Section 4.23 Safety

Employees are expected to follow safe working practices and safety procedures in conformance with City policy. Every employee is expected to perform their job in an efficient and effective manner with the utmost consideration for their own personal safety and other employees working nearby.

If an employee should encounter conditions which are felt to be questionable regarding personal safety or endangering the health or well-being of a group of employees, the employee shall immediately report such a problem to the immediate supervisor.

The City shall have a "Safety Committee" which shall review all employee accidents and annually review safety procedures within each Department.

Section 4.24 Belongings Lost While on Duty

When an employee shall suffer the damage or loss of required wearing apparel or other personal effects as the result of an on-the-job accident, they shall immediately report such damage or loss to the City Manager through their Department Director in memorandum form. Determination regarding whether the payment should be made for the cost incurred because of such accident shall be made by the City Manager.

Section 4.25 Pecuniary Interest

(a) No employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale of City land, materials, supplies or services on behalf of the City.

(b) Employees of the City shall keep free of any obligation by refusing to contract with any person/business currently or potentially serving the City of Neosho.

Section 4.26 False Affirmations

No person shall willfully make any false statement, certificates, mark, rating, or report regarding any test, certification, or appointment under the provisions, rules, and regulations made pursuant to the City Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations of the City Charter.

Any person who willfully violates any provisions of the City Charter Section 11.03 City of Neosho, MO General Provisions (ecode360.com) shall there by forfeit any office, position, or employment with the City and unless otherwise punishable, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than thirty (30) days, or both.

Chapter 5. **Employee Leave**

Section 5.01 Definitions

(a) Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid as authorized by the Department Director or City Manager.

(b) An unauthorized absence is when the employee is absent from regular duty without permission of the Department Director. Employees are not paid for unauthorized absences and may lead to disciplinary action, up to and including termination.

Section 5.02 Approval of Leave

(a) All leave taken by City employees must be approved in advance by the employee's Supervisor. The City may designate forms requesting such leave.

(b) Supervisors are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, Supervisors are responsible for ensuring that all vacation and sick leave usage is recorded on the employee's timesheet.

Section 5.03 Holidays

(a) The City provides paid holidays to all full-time employees including new employees who are still in their new hire probationary period. Part-time employees are extended official holidays without pay. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days.

(b) The following official holidays will be observed:

- New Year's Day – January 1st
- Martin Luther King Day – 3rd Monday in January
- President's Day – 3rd Monday in February
- Memorial Day – Last Monday of May
- Independence Day – July 4th
- Labor Day – 1st Monday in September
- Veteran's Day – November 11th
- Thanksgiving Day – 4th Thursday in November
- Day after Thanksgiving Day – Friday immediately following Thanksgiving
- Christmas Eve – December 24th
- Christmas Day – December 25th

(c) Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday;

excluding the Police Department, Fire Department, and Golf Course who will observe the holiday on the exact date.

(d) All full-time employees shall be eligible for holiday compensation provided the employee is not absent without authorized leave on the day preceding and/or following a holiday, in which case they shall not be eligible for holiday pay.

(1). Regular employees shall have worked their last regularly scheduled shift in the work week including or immediately preceding the holiday and the first (1st) regularly scheduled shift in the work week including or immediately following the holiday to be eligible for a paid holiday.

(2). Authorized/approved compensation time and vacation time will still get holiday pay.

(e) Personnel having a regularly scheduled shift off on a holiday shall be compensated eight (8) hours for an 8-hour shift, twelve (12) hours for a 12-hour shift or twenty-four (24) hours for a 24-hour shift. All other full-time employees who work a shift amount that is not specified here will be compensated for the holiday in the amount of their regular shift hours.

(f) Personnel who work on a holiday shall be compensated in lieu of actual time off at the rate of eight (8) hours' time and one half pay for an 8-hour shift, twelve (12) hours' time and one half pay for a 12-hour shift, and twenty-four (24) hours' time and one half pay for a 24-hour shift.

(g) Public Safety personnel shall be allowed to accrue five (5) twelve (12) hour holidays for Police or twenty-four (24) hour holidays for Fire as "banked" time in lieu of pay; banked holidays will not be eligible for payout. All other full-time employees who work a shift amount that is not specified here will be compensated for the holiday in the amount of their regular shift hours.

(h) On any other day or part of a day during which the City shall be closed by special proclamation of the City Council, the employee shall be eligible for the holiday pay in accordance with the above.

(i) Part-time employees are not paid for holidays except for holiday hours worked at their regular rate.

(j) An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a note from a licensed medical professional. The note and circumstances surrounding the unapproved leave will be reviewed, however, the City could still determine that the employee will not be paid for the holiday.

(k) Employees wishing to observe religious or other holidays not listed herein shall at their option be given time off without pay or have the time charged to vacation, personal day, or holiday leave time, if available.

(l) **Work During Holidays.** It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an “around the clock” operation. With the approval of the Department Director, who finds it a business necessity to do so, may direct some or all employees of the department to report for work on a holiday. Non-exempt employees required to work on holidays will be paid time and a half (1.5) times their regular rate of pay in addition to receiving holiday pay equivalent to a standard workday.

(m) If an official holiday falls within a regular employee’s vacation, the employee will be granted the holiday and not charged for a day of vacation or time off paid.

Section 5.04 Vacation Leave

(a) Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, inability to travel to work because of inclement weather or for other purposes.

(b) Employees are expected to submit their preferred vacation schedule to the appropriate Supervisor at least two (2) weeks in advance to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Directors must be certain that vacations do not interfere with the normal functions and activities of departmental operations. Departments may have departmental policies concerning the scheduling of vacation. Vacation time requests, if not requested in advance, may be denied. Vacation leave for Department Directors will be approved by the City Manager.

(c) Vacation leave can be requested and used in one (1) hour increments for non-exempt employees if earned compensation is unavailable. For employees who are exempt from FLSA under the executive, administrative, or professional categories, accrued vacation leave will be used in four (4) hour increments for a partial day’s absence on approved vacation leave.

(d) Accrual. Employees will accrue vacation leave according to the following schedule:

(1). Non-Exempt Employee Vacation Leave

Employees may accrue vacation days on a "per pay period" basis. Full-time, qualified general employees shall accrue vacation time at the following rates:

1 to 6 years	80 hours per year	6.67 hours per month	Capped 80 hours
7 to 14 years	120 hours per year	10.00 hours per month	Capped 120 hours
15 years and up	160 hours per year	13.34 hours per month	Capped 160 hours

(2). Full-time, qualified **police** employees shall accrue vacation time at the following rates:

1 to 6 years	86 hours per year	7.17 hours per month	Capped 86 hours
7 to 14 years	129 hours per year	10.75 hours per month	Capped 129 hours
15 years and up	172 hours per year	14.33 hours per month	Capped 172 hours

(3). Full-time qualified **fire** employees shall accrue vacation time at the following rates:

1 to 6 years	120 hours per year	10.00 hours per month	Capped 120 hours
7 to 14 years	168 hours per year	14.00 hours per month	Capped 168 hours
15 years and up	216 hours per year	18.00 hours per month	Capped 216 hours

(e) No vacation time shall be taken during the probationary period of employment except in those cases of extreme hardship or unforeseen circumstances as approved by the Department Director and City Manager. Vacation rates will begin accruing but not eligible until the end of the probationary period.

(f) If an employee voluntarily resigns or is discharged during the first twelve (12) months of employment, no payment will be made for accrued vacation time.

If an employee resigns in good standing, they shall receive payment for all vacation hours accrued as of the day of separation. A ten (10) day notice of voluntary resignation

is required per the City of Neosho's Resignation Policy. In cases of death, the compensation shall be paid to the employee's estate.

(g) No vacation time shall be carried into the new anniversary year.

Vacation time shall not exceed the allowed maximum earned vacation hours at any point in time during the year. Example: Jane Doe has been employed for 3 years earning 80 hours of vacation time per year. Jane should only have 80 hours or below accrued in any given year.

If the budget allows, vacation time can be paid out with the pre-approval of the department director and City Manager and not exceeding forty (40) hours.

(h) When an employee transfers to another position within the City, unused accrued vacation leave shall not be lost and will continue to be available for use.

(4). Exempt Employee Vacation Leave

Exempt Management Employees shall accrue vacation days on a “per pay period” basis. Full-time, exempt management employees shall accrue vacation time at the following rates:

1 to 6 years	120 hours per year	10.00 hours per month
7 to 14 years	160 hours per year	13.33 hours per month
15 years and up	200 hours per year	16.67 hours per month

If an employee resigns in good standing, they shall receive payment for all vacation hours accrued as of the day of separation. A 30 (thirty) day notice of voluntary resignation is required per the City of Neosho’s Resignation Policy. In cases of death, the compensation shall be paid to the employee’s estate.

Requests for vacation leave shall be submitted to the City Manager or in the case of the City Manager to the Mayor. No exempt employee shall take their vacation without prior permission as set forth above.

Exempt employees will be required to schedule a one (1) week vacation once per year.

Should a City recognized holiday fall on a vacation day, that day shall not be charged as a vacation day.

When an employee transfers to another position within the City, unused accrued vacation leave shall not be lost and will continue to be available for use.

Should an employee exhaust all accrued sick leave, they may use accrued vacation for sick leave at their option and with the approval of the City Manager.

Section 5.05 Sick Leave

The intent of sick leave is to prevent a loss of income to an employee who is absent due to an injury or illness which is not job related. Should such an injury or illness occur to an employee, continued income should be insured using sick leave. Sick leave may be allowed in the case of medical appointments, personal illness, physical incapacity of an employee or the employee's immediate family. The sick leave policy is as follows:

- (a) General employees shall accrue sick leave at the rate of eight (8) hours per month.
- (b) Fire employees shall accrue twenty-four (24) hours sick leave per month.
- (c) Police employees shall accrue twelve (12) hours sick leave per month.
- (d) Accumulation of sick leave shall not exceed 720 hours for general employees. Sick leave accumulation shall not exceed 968 hours for police employees. Sick leave accumulation shall not exceed 2160 hours for fire employees.
- (e) An employee shall be eligible to accrue sick leave from the first date of employment, but not during any period of suspension without pay. However, any part-time or temporary/seasonal employee retained as a permanent full-time employee without a break in service will accrue sick leave from the date of full-time employment.
- (f) Sick leave shall not be advanced against accrual.
- (g) Sick leave will not accrue if an employee is on an unpaid leave of absence.
- (h) An employee is required to notify their supervisor prior to the time the work period begins, the reasons for any absence. The failure to report to work or to notify the immediate supervisor without approval may subject the employee to loss of sick leave pay for time used or disciplinary action.
- (i) When an employee resigns, is discharged, or retires, no payment will be made for accrued sick leave. All sick leave will be turned back to the City.
- (j) Sick leave shall be accrued by all full-time employees at the rate of 3.7 hours per pay period. Sick leave begins accruing immediately for all new full-time employees. Part-time employees are not eligible to accrue sick leave.
- (k) After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used as sick leave with approval of the employee's Department Director, provided there has been no abuse of sick leave and that all provisions of the sick leave policy are met. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued.

(l) Full-time non-exempt employees are charged with one (1) hour of sick leave for each full or partial hour they are absent on approved sick leave.

(m) Employees who are absent due to illness for three (3) or more consecutive days shall be required to provide their Supervisor with sufficient documentation from a licensed medical professional. At the discretion of the Supervisor, documentation for any sick leave taken can be requested, regardless of the amount of sick leave taken.

(n) A Supervisor shall be responsible for notifying the Human Resources Department when an employee is absent due to illness for more than three (3) consecutive workdays so the time may be evaluated for family and medical leave status (FMLA). If an employee is taking FMLA medical leave, the employee's accrued sick leave will be debited for the leave taken.

(o) Human Resources, Department Directors, and Supervisors are authorized to undertake any investigations of sick leave claimed by an employee that they may deem necessary or to disapprove any claims not properly substantiated.

(p) An employee who is released by an examining licensed medical professional to return to regular duty and refuses to report for work or perform his assigned duties is subject to disciplinary action, up to and including termination.

(q) An employee who has exhausted all available leave balances may request a leave of absence without pay or Family Medical Leave under the Family Medical Leave Act.

Section 5.06 Care Leave

To establish a Care Leave Program to provide supplemental paid leave to employees who have exhausted all their accrued leave time (including vacation, sick, and compensatory time) due to a personal illness or injury which is life threatening or catastrophic. The requesting employee or designee will be responsible for obtaining the doctor's certificate and completing paperwork to be submitted for the leave provided herein, to the Care Leave Committee. The Care Leave Program created under this policy is a privilege which may be terminated without cause at the discretion of the City Manager at any time. Nothing contained herein shall be construed to give any employee a right to Care Leave benefits. A denial of Care Leave by the Care Leave Committee is not a denial of any right, and therefore the requesting employee may not appeal the decision to the City Manager. Nothing contained herein shall limit or add to the rights of an employee under the Family Medical Leave Act. The Care Leave program is employee initiated and employee led by use of donating accrued vacation and earned compensation time. Only active employees who have been with the City of Neosho for at least six (6) months are eligible to donate or receive.

(a) Definitions

As used in this policy, the following terms shall have the meaning set out as follows per 36.350, RSMo:

- (1). **Care Leave Committee:** A committee of three members; the Human Resources Director, Director of Finance, and City Clerk. The City Manager will authorize all final decision making.
- (2). **Care Leave Benefits:** A pool of leave hours donated by eligible employees that may be conveyed from the pool to other eligible employees.
- (3). **Donor/Recipient:** Employees eligible to donate or receive to the ShareLeave pool are those employees that are employed in positions of a permanent or continuing nature and who have completed six (6) months of service.
- (4). **Life Threatening or Catastrophic:** One which is life threatening, terminal, or likely to result in a substantial permanent disability.
- (5). **Pool:** A City-wide accumulation of voluntary City employees' contributions of vacation and/or earned comp time. All contributions will go to the Care Leave Pool and cannot be made to specific individuals.
- (6). **Donation:** Employees may donate leave annually and the Care Leave Pool is not to exceed 1000 hours at any given time.

(b) Eligibility and Criteria for Care Leave Benefits

Any permanent full-time employee shall be eligible for Care Leave under the conditions as follows:

- (1). Recipient employee or employee's immediate family member must have experienced an unforeseen catastrophic illness or injury. Documentation must be provided to demonstrate the spouse or children have experienced catastrophic illness or injury requiring the employee's personal care and attention. The final decision concerning the granting of leave under this section rests with the committee.
- (2). The requesting employee is not on unpaid disciplinary status.
- (3). Employees eligible to receive disability benefits from the state of Missouri are not eligible for donated leave.
- (4). The requesting employee has exhausted all accrued leave.
- (5). The requesting employee need not have contributed to the Care Leave fund to be eligible for Care Leave.
- (6). The requesting employee has not exceeded for any qualifying injury or illness, the maximum amount of time for the fund.
- (7). An employee receiving donated leave is credited with additional leave earnings during the period.

- (8). The requesting employee has not abused or misused sick leave in the past calendar year. The Human Resource Department will review the employee's sick leave usage with the employee's supervisor and /or Director prior to the committee's review and report the findings to the Committee.
- (9). All donations of eligible leave are voluntary. No employee may intimidate, threaten, or coerce any other employee with respect to donating or receiving leave under this program. Individual leave records that apply to ShareLeave are confidential and no individual employees are to receive remuneration of any kind for leave donated.

(c) Method to Donate to the Fund

Employees may donate to the Care Leave pool by submitting a Care Leave Donation Form to the Human Resources Director. The Human Resources Director shall forward a copy of the form to the Care Leave Committee. Contributions made to Care Leave shall not subsequently be returned to the donor, except as a care leave recipient under this policy. All Care Leave donations, once designated to the Care Leave pool may not be subsequently designated or modified by the donor.

(d) Method to Request Leave from the Care Leave Pool

An eligible employee or a designated representative (i.e., spouse, or an immediate relative or legal guardian) may request Care Leave from the pool by submitting a Care Leave Request Form to the Human Resources Director. The Human Resources Director shall, upon receipt, forward a copy to the Care Leave Committee. A physician's statement, describing the illness or injury, must accompany the request for Care Leave and must include the diagnosis of the illness or injury, and a prognosis, including the estimated needed time away from work and whether the employee can work a modified work schedule. It should also state whether the disability will be permanent. If the disability is permanent, the Human Resources Director will work closely with the employee's retirement plan. Any failure to comply with these procedures may result in the denial of the Care Leave request based upon a finding of noncompliance.

(e) Compensation and Duties of Care Leave Committee

The Care Leave Committee shall be comprised of the Human Resources Director, Finance Director, and City Clerk with final approval on any decision by the City Manager. The Committee must agree to maintain all information on a confidential basis. Any breach of confidentiality will result in the committee member being excused and a replacement member will be appointed.

The Care Leave Committee shall have the responsibilities as follows:

- (1). To meet, as needed, to review all applications for Care Leave, and after determining the employee is eligible, to either approve or disapprove the request for leave as requested in the application.

- (2). The decision of the Committee regarding any request for Care Leave shall be final. No appeal to the City Manager will be considered.
- (3). Monitor the Care Leave pool balances and determine the amount of Care Leave employees will be eligible to receive as established in this policy.
- (4). The Care Leave Committee shall have the right and duty to issue any necessary interpretations or clarifications of the Care Leave Program and shall recommend any policy changes for the City Manager's or designee's consideration.
- (5). Maintain confidentiality of all matters and maintain nondiscriminatory actions in the administration of the program.

(f) Human Resources Responsibility

- (1). Secure adequate medical documentation from the employee which justifies whether the illness is life threatening, catastrophic, or resulting in a permanent disability thereby initiating application to the employee's retirement plan.
- (2). Verify the exhaustion of the leave time for the requesting employee. Exhaust any leave balances that may accrue while an employee is utilizing the Care Leave Program.
- (3). Maintain appropriate leave records for donors and recipients of Care Leave.
- (4). Maintain records of all denials or disapprovals of Care Leave requests.
- (5). Maintain records of all pool balances.
- (6). Forward each Care Leave Request Form and supporting documentation, with a recommendation as to whether the employee meets the above eligibility requirements to the Care Leave Committee.
- (7). Notify the employee of approval or disapproval to receive Care Leave.
- (8). Notify the Care Leave Committee immediately upon becoming aware of when a Leave recipient's medical emergency terminates.

(g) Criteria for Approving/Disapproving Care Leave Requests

The Care Leave Committee shall consider the following criteria in the awarding of Care Leave benefits.

- (1). The maximum benefit which can be authorized is for one (1) employee for one (1) instance of eligibility is limited to the equivalent of three (3) months of regular salary if the donated hours are available.

- (2). The Committee shall determine the amount of leave to be allocated to any recipient by ascertaining the recipient's proportionate share from the pool balances available during the awarding period and the number of eligible recipients, provided no recipient exceeds the maximum amount provided under the policy.
- (3). If the recipient's proportionate share of the pool balances cannot accommodate the amount of time the employee is eligible to receive, then the differences may be carried over to subsequent months which cover the time for which the employee is medically determined eligible. The employee may not roll over more than the amount of time the employee is eligible to receive.
- (4). The Care Leave Committee has the right to require an updated medical statement from an employee as needed to fulfill the purposes in this policy.
- (5). Any amount of Care Leave granted for the month, but not needed, will be returned to the pool.
- (6). Employees may accrue vacation, sick leave or holiday credits while using donated leave. All accrued time, on the books, must be exhausted before the Care Leave will cover the leave time.
- (7). An employee who uses Care Leave from the pool is not required to pay back the time received to the Care Leave Fund.
- (8). Care Leave Request forms and Care Leave Donations forms will be available from your supervisor.

Section 5.07 Bereavement Leave

Full-time employees who suffer the loss of an immediate family member (spouse, parents, stepparents, children, stepchildren, foster children, brothers, sisters, parents-in-law, brothers/sisters in-law, grandchildren, grandparents, sons/daughters-in-law, aunts, and uncles) will be granted up to twenty-four (24) hours of Bereavement Leave with pay per occurrence. This benefit may also be granted in the case of the loss of any other relative living in the household. Employees may be authorized to extend their bereavement leave with their own personal sick leave accruals. Department Directors may require satisfactory documentation of eligibility and the relationship of the employee to the deceased (i.e.: spouse, parent, sibling, etc.). Any accumulated leave can be used for a reasonable time beyond the initial funeral leave, with the approval of the Department Director and City Manager.

Section 5.08 Time Off to Vote

The City encourages all employees to vote. It is the policy of City to comply with all state election law requirements (§115.639 RSMo.) with respect to providing employees, where

necessary, with time off to vote. If an employee has three (3) consecutive hours either between the opening of the polls in their community at the beginning of the workday or between the end of the workday and the closing of the polls, the employee will be deemed to have sufficient time outside their normal working hours within that time period to vote. If an employee has less than three (3) consecutive hours, they may take off as much working time as will, when added to their voting time outside normal working hours, enable such employee to vote. Typically, one hour is given to an employee to vote if normal working hours interfere with the employee voting prior to or after work.

For nonexempt employees, however, not more than three (3) hours of working time taken shall be paid, and such time shall be taken only at the beginning or end of the employee's workday as designated by the employee's supervisor.

Employees requiring working time off to vote will be required to notify their supervisor prior to the day of the election when time off to vote will be required.

Section 5.09 Jury Duty and Witness Leave

The City may provide a leave of absence with pay to full-time employees in the following cases:

(a) **Jury Duty:** Special leave will be granted to an employee to serve when called to Jury Duty. Pay received from the court for jury duty shall be returned to the City. The employee shall keep expense reimbursement. The City will pay employees serving on jury duty their regular salary for a period not to exceed eighty (80) hours per year.

(b) **Witness Leave:** The employee is approved for Witness Leave only when they are served with a legitimate subpoena. If the employee receives remuneration for witness leave, they must turn this remuneration over to the City Finance Director.

Section 5.10 Military Service Leave

(a) Employees serving in the uniformed services, including the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services, may take military leave, as needed, to enable them to fulfill their obligations as service members. Employees may use granted military leave, accrued vacation, or personal leave for this purpose.

(b) Employees may receive a leave of absence not to exceed 120 hours in a calendar year (October-September) for participation in annual training in the National Guard or Reserve Armed Forces. A copy of official orders requiring such training must accompany requests for such leave. Employees shall receive regular compensation for this period of military leave. Such military training leave shall not be deducted from vacation leave unless it exceeds the 120-hour allowance.

(c) Any full-time employee who applies for, performs, or is called for military service shall, upon termination of his active service, be entitled to return to the City service at a level equivalent to the position held on their departure. Individuals will be required to return to the City service within thirty (30) days after receiving an honorable discharge from military service.

(d) The City complies with all requirements of USERRA.

Section 5.11 Maternity / Parental Leave

As required by the 1978 amendments to Title VII of the Civil Right Act of 1964, pregnancy and pregnancy related conditions shall be treated the same as any other illness or short-term disability.

(a) Parental Leave may be used in the event of:

- (1). Birth of a child or to care for a child (must be taken within twelve months of the birth).
- (2). The adoption or foster care of a child (must be taken within twelve months of the adoption or placement in foster care).

(b) Maternity/Parental Leave is unpaid; however, an eligible employee may use accumulated sick leave or vacation time. Maternity/Parental leave also qualifies for Family Medical Leave.

Section 5.12 Family and Medical Leave

The City will comply with the federal Family and Medical Leave Act (FMLA) by providing twelve work weeks of unpaid, job protected leave to eligible employees. FMLA allows eligible employees up to twelve workweeks of FMLA leave per year if they have worked at least 12 months and have physically worked at least 1,250 hours in the 12 months preceding the leave.

For purposes of calculating FMLA eligibility, the annual period will be twelve (12) months from the date the employee last exercised FMLA benefits. FMLA leave may be used for:

- (a) Employee's own illness; or
- (b) To care for a sick family member (spouse, child, parent, stepparent; but not sibling or parent-in-law); or
- (c) To care for the employees newly born or adopted child; or
- (d) Leave made necessary by a spouse, child, or parent's active-duty military service or call-up; or

(e) To care for a spouse, parent, child, or next-of-kin, who is unable to continue military service due to a serious service-related injury or illness (up to five years from separation from military service).

FMLA leave is unpaid, and seniority and benefits do not accrue during such leave. Employees will continue to receive healthcare coverage during FMLA leave but must reimburse the City for the employee's contribution upon returning to work or separating from the City.

An employee is entitled to a total of twelve workweeks of FMLA-covered leave within a rolling twelve-month period, measured backward from the date of the most recent request for a covered leave of absence. This means that each time an employee requests a leave under the provisions of this policy, the available time for a leave of absence will be the balance of the total twelve workweeks that has not been used during the twelve-month period immediately preceding the commencement of leave.

During FMLA leave, the employee must use the employee's accrued sick leave and vacation leave, with any remaining portion of the 12-week period being unpaid.

Unused annual leave, compensatory time, and sick leave benefits earned prior to taking unpaid FMLA leave are not lost, but additional benefits do not accrue during unpaid leave.

To take FMLA leave, you must provide the City with appropriate notice. If you know in advance that you will need FMLA leave, you must notify your supervisor or the City Administrator at least 30 days in advance. If you learn of your need for leave less than 30 days in advance, you must give notice as soon as you can (generally either the day you learn of the need or the next workday). When you need FMLA leave unexpectedly (for example, if a family member is injured in an accident), you must inform your supervisor or the City Administrator as soon as you can.

Section 5.13 Temporary Transitional Duty (Return to Work)

It is the purpose of this policy to establish the authority for temporary transitional duty assignments and procedures for granting temporary transitional duty to eligible employees. Temporary transitional duty assignments, when available, are for employees who, because of injury, illness, or disability, are temporarily unable to perform their regular assignments but who can perform alternative assignments. Use of temporary transitional duty can provide employees with an opportunity to remain productive and return to work before they have reached maximum medical improvement. This provides a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this City that eligible personnel be given a reasonable opportunity to work in temporary transitional duty assignments where available and consistent with this policy.

(a) **Eligible Personnel:** For purposes of this policy, any employee suffering from medically certified illness, injury or disability requiring the treatment of a licensed health-care provider and who, because of injury, illness, or disability, is temporarily unable to perform the regular assignment but can perform temporary alternative assignments.

(b) **Maximum Medical Improvement:** The point at which an injured employee has received the maximum therapeutic benefit from medical treatment.

(c) Temporary transitional duty positions are limited in number and variety. Therefore, personally injured or otherwise disabled in the course and scope of employment shall be given preference in initial assignment to transitional duty.

(d) Assignments may be changed at any time if deemed in the best interest of the employee or the city while keeping within the medical restrictions; and

(e) Eligibility to participate in the program will cease when the employee has reached maximum medical improvement.

(f) This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State law.

(g) No specific position within this City shall be established for use as a temporary transitional duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary transitional duty.

(h) Transitional duty assignments are strictly temporary and normally should not exceed 90 days in duration. After 90 days, employees on temporary transitional duty who are not capable of returning to their original duty assignment shall:

- 1) request an extension of temporary transitional duty (not to exceed an additional 90 days), with supporting documentation to the program coordinator; or
- 2) pursue other options as provided by employment provisions of this City or Federal or State law.

(i) Law enforcement personnel on temporary transitional duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this City and that forms the basis for their temporary transitional duty assignment.

(j) Depending upon the nature and extent of the disability, law enforcement personnel on temporary transitional duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon, or otherwise limited in employing police powers as determined by the agency chief executive so long as such limitation is consistent with the provisions of (e) and (f) of this policy.

(k) Transitional duty assignments shall not be made for disciplinary purposes.

(l) Employees may not refuse temporary transitional duty assignments that are supported by and consistent with the recommendations of a City selected physician. The City may interpret failure to accept and perform transitional duty work as a resignation unless the employee has pursued other options as provided by the employment provisions of this City or Federal or State law.

(m) When an employee has reached maximum medical improvement as determined by a City selected physician, an assessment by the personnel authority will be made regarding the employee's ability to perform regular job duties or the duties of a different job with or without a reasonable accommodation.

(n) Temporary transitional duty assignments may be drawn from a range of areas that include but are not limited to the following:

- i) administrative projects (e.g., report review, special projects),*
- ii) clerical functions (e.g., filing,)*
- iii) desk assignments (e.g., booking officer, bookkeeping),*
- iv) communications (e.g., complaint taker),*
- v) inspections (e.g., sidewalks, street signs, buildings, equipment),*
- vi) updating (e.g., MSDS at various locations),*
- vii) painting (e.g., fire hydrants, park benches & equipment),*
- viii) community relations (e.g., police and fire community awareness visits),*
- ix) volunteer work at city supported charities (e.g., united way, senior centers).*

(o) This City's personnel authority shall maintain an inventory of available job assignments that may be used for temporary transitional duty.

(p) Decisions on temporary transitional duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities; availability of transitional duty assignments; and the physical limitations imposed on the employee by the City selected physician.

(q) Every effort shall be made to assign employees to positions consistent with their position and pay classification. However, where deemed appropriate, personnel may be assigned to positions within other departments and positions designated for personnel of lower rank or pay classification. Employees thus assigned shall:

- (1). Retain the privileges of their rank but shall answer to the supervisor of the unit to which they are assigned regarding work responsibilities and performance; and
- (2). Retain the pay classification and related benefits of the position held prior to their assignment to temporary transitional duty as controlled by the employment provisions of the City.

(3). For work related accidents, if the employee is not retained at the same pay classification of the position held prior to their assignment to transitional duty, workers' compensation temporary partial disability benefits may be available.

(r) **Work Related Accidents.** For work related accidents in which the employee is not immediately released to return to normal duty the following shall apply:

(1). Immediately following treatment, the employee should report to their supervisor their condition and return to work status.

(2). At the earliest possible opportunity, the employee will discuss the case with the physician concerning the course and scope of the treatment and the ability of the employee to perform transitional duty. The supervisor will then contact Human Resources to discuss the employee's transitional duty assignment.

(3). Within the first three days following an accident the supervisor shall contact the employee and inquire into the employee's ability to return to work.

(4). If the employee has not returned to work after three days, then Human Resources shall follow up with the physician's office and the employee to check the employee's transitional duty status.

(5). If the employee is not able to return to work after three days, then the employee shall call their supervisor to discuss the employee's transitional duty status and present the work status report provided by the treating physician, immediately following each doctor's appointment.

(6). If it is determined that the employee may be medically able to perform transitional duty, the essential functions of the transitional duty shall be identified by the supervisor and reviewed with the employee.

(s) Requests for temporary transitional duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by the treating physician. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the transitional duty assignment and the fact that the employee can physically assume the duties involved.

(t) The request for temporary transitional duty and the physician's statement shall be forwarded to the City's designated personnel authority, who shall make a recommendation regarding the assignment to the chief executive officer or his designate.

(1). This City may require the employee to submit to an independent medical examination by a physician of the City's choosing. In the event the opinion of this City selected

physician differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.

- (2). The employee and representatives of the City shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

(u) An employee who has not requested temporary transitional duty may be recommended for such assignment by submission of a request from the employee's immediate supervisor. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary transitional duty or by a request/order for a medical or psychological fitness-for-duty examination.

- (1). Notice shall be provided to the employee of the proposed temporary transitional duty assignment together with justification for the recommendation.
- (2). The employee may challenge the proposed reassignment using established City grievance procedures.
- (3). Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the City's chief executive officer, failure to reassign may jeopardize the safety or health of the employee, other employees or the public.

(v) As a condition of continued assignment to temporary transitional duty, employees shall be required to submit periodic physical assessments of their condition as specified by the personnel authority.

Section 5.14 Absent Without Leave

Employees who are absent without leave for more than 24 hours after receiving written notice to return will be considered to have voluntarily resigned. Absence without leave includes any absence without prior approval or notification to the immediate supervisor in the event of illness or emergency. Written notice may be delivered by certified mail or in person by a City officer.

Section 5.15 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 severe 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 or 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 child, 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 their 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, advertises 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: (1) they are victims of domestic or sexual violence; or (2) they have a family or household member who is a victim of domestic or sexual violence. Employees will be required to provide the 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 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 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:

- (1). 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;

(1) A police or court record of the domestic or sexual violence; or

(2) 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 section shall be retained by the City in the strictest confidence, except to

the extent that 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.

{**NOTE:** A NOTICE SUMMARIZING THE REQUIREMENTS OF THE VICTIM’S ECONOMIC SAFETY AND SECURITY ACT MUST BE DELIVERED TO ALL EMPLOYEES NO LATER THAN **OCTOBER 27, 2021**. SUCH NOTICE MAY BE IN ELECTRONIC FORM. IN ADDITION, THE CITY MUST POST THE NOTICE IN A PLACE WHERE EMPLOYEES WILL SEE IT, SUCH AS A BREAKROOM, ETC.}

Chapter 6. **Benefits**

Section 6.01 General

The City will provide all regular full-time employees working more than thirty-two (32) hours per week with group medical, dental, and life insurance. Coverage will be effective on the 1st of the following month of employment. It shall be the option of the employee if they wish to subscribe to the single or family coverage plan. Costs for any family coverage shall be solely borne by the employee. The City Council may revise the City's insurance plan at any time deemed necessary.

Federal law (COBRA) now permits employees and covered dependents to choose to continue health and dental coverage at group rates, in certain instances, where coverage under the plan would otherwise end. Any employee may continue this coverage for up to eighteen (18) months, should they terminate employment for any reason other than "gross misconduct". Dependents of employees may continue their coverage upon the employee's death, upon divorce, or upon legal separation. In all instances, the person continuing the coverage will pay the full premium with no contribution on the City's part. See the Finance Department for additional information.

Upon reaching age 65, any employee or employee dependents' COBRA insurance will discontinue due to eligibility for Medicare.

Employees may choose to purchase vision insurance for themselves or their family at a discounted rate from the City's insurance provider. Terms, benefits, and conditions can be obtained from the Human Resource Department.

Section 6.02 Retirement Program

All full-time employees, except appointed and elected officials, are covered by the City's retirement program after being employed by the City for a period of six (6) months.

The City's retirement program is a part of the Missouri Local Government Employees Retirement System (LAGERS). The program is a State-wide non-profit system for local government employees.

Employees electing to retire from service with the City of Neosho shall give notice no less than ninety (90) days prior to their anticipated date of retirement. Specific cases will be reviewed by the City Manager and this ninety (90) day notice may be waived.

The retirement program is a non-contributory system whereby the City makes all required contributions at rates determined annually by LAGERS.

If an employee terminates employment prior to five (5) years of service with the City, any accumulated employee contribution plus interest is payable upon request. If the employee

has five (5) or more years of credited service, they may elect to withdraw the accumulated contribution or leave the contribution and participate in the program upon reaching retirement age.

Employees may take retirement after attaining "minimum service retirement age". This is defined as age sixty (60) for general employees; and age fifty-five (55) for City Police and Fire personnel. However, early retirement is available to vested employees. "Early retirement" ages are fifty-five (55) for general employees and fifty (50) for fire and Police personnel. Early retirement will result in a reduction in benefits.

The City also offers the "Option for 80" which is based on age and service totaling eighty (80). Further information regarding this option is available through the Human Resources Department.

Both duty-disability retirement and non-duty disability retirement are available to employees. Further information regarding these benefits is available through the Human Resource Department.

Allowances for retirement are based upon the employees' final average salary and years of credited service to the time of retirement. There is a choice of four (4) optional forms of payment.

Retirement applications must be filed with LAGERS not less than thirty (30) days and not more than ninety (90) days before the date the retiree's monthly retirement benefits are to commence.

Pre-retirement conferences are scheduled yearly by LAGERS, and arrangements may be made through the Human Resources Department to attend.

Additional information concerning the retirement program may be obtained through the Human Resources Department.

Chapter 7. Employee Conduct

Section 7.01 Attendance and Punctuality

The City has a responsibility to provide continued and uninterrupted service to its citizens. This can only be fulfilled when each employee is present during the work hours scheduled. Punctuality and regular attendance are essential to the proper functions of the City.

If absenteeism or tardiness is not approved in advance, employees must notify their immediate supervisor as soon as they are aware they are going to be absent. Proper notification must be made before the employee's designated shift begins. Only in cases of an emergency will this notification requirement be waived.

Excessive absenteeism, tardiness, or refusal to comply with the proper notice procedures will be documented and considered grounds for disciplinary action. Excessive absenteeism and tardiness are defined as six (6) different occasions in a twelve (12) month period. A combination of absenteeism and tardiness of a continual pattern may also be excessive.

Example: If an employee is off from work for two (2) days with the flu, this is considered one (1) occasion; however, if that employee is off two (2) times on separate incidents with the flu, then this is considered two (2) occasions.

When an employee is absent or tardy without proper notice, supervisors will follow normal counseling and correcting techniques, including disciplinary steps referring to the corrective action chapter of this policy. If the correcting techniques do not resolve the problem or the absences and/or tardiness become excessive or occur in a persistent pattern termination of employment may be authorized.

Section 7.02 Inclement Weather

The City is open for business unless the Mayor or City Manager declares otherwise. When severe weather develops or is anticipated to develop during the day, if you elect to leave prior to the time the City closes, you will be required to use voluntary leave not including sick time, in an amount equal to the number of hours between the time you left and the time the office closed.

When potentially dangerous weather develops during the day and a decision is made by the City to close early, you will be compensated for the full day.

Section 7.03 Dress Code and Public Image

(a) The dress code for employees varies according to the type of work performed. If an employee has been issued a uniform or other clothing it is expected that it shall be worn.

- (b) Office employees are expected to dress business casual and professionally.
- (c) Outside workers should wear suitable clothing for the positions performed or as designated by the department Director and should not wear torn or ragged clothing.
- (d) Employees engaged in construction or repair work must wear steel toe boots and uniform as provided or designated by the Department Director.
- (e) Street and maintenance workers must wear a safety vest or city issued high visibility clothing when outside and uniform as provided or designated by the Department Director.
- (f) If an employee's clothing is not appropriate for their position, they may be sent home to change at their supervisor's discretion.
- (g) Any questions about the appropriateness of dress attire should be addressed to the Department Director and may involve input from the Human Resources Director.

Section 7.04 Workspace

Employees are responsible for maintaining the workspace assigned to them. A clean, orderly workspace provides an environment conducive to working efficiently. Employee workspace is part of a professional environment that portrays the City's overall dedication to providing quality service and should be clean and organized.

Section 7.05 Training

- (a) ***Voluntary Training.*** The City of Neosho encourages training and attendance at professional conferences for the purpose of improving job performance and preparing employees for promotional opportunities. Department Directors shall be responsible for disseminating such training information to interested employees. Written requests to participate in training or conference opportunities shall be directed to the Department Director specifying the nature and objectives of the training program, relationship of the training to the employee's duties and the City, date of the program, and estimated costs.
- (b) ***Mandatory Training.*** Certain positions require training to develop certain skills or certification. Training that is deemed mandatory shall be scheduled during normal work hours when possible. If scheduled outside of normal work hours, the trainee shall be compensated for the actual hours involved in attendance at the training session. However, compensation shall not exceed actual training time of sessions attended, not just those sessions scheduled. Unsuccessful completion of mandatory training or certification shall be considered in the employee's job performance evaluation.
- (c) Department Directors' training requests shall be in writing to the City Manager.

Section 7.06 Travel

In the interest of promoting growth, representing the City at various functions, and conducting official business, it is necessary for employees and other officials to travel out of the area from time to time. Any official travel requires prior approval from the respective Department Director and City Manager. It is intended that all reasonable costs incurred because of authorized travel shall be reimbursed in accordance with the following guidelines:

(a) **Transportation.** The least expensive but most direct mode of transportation shall be used when traveling out of the area for official business. City staff cars should be used whenever possible. Reimbursement for use of a personal vehicle, when authorized, shall be at the current reimbursement rate set forth in the federal guidelines. No reimbursement shall be granted for damage, repairs, or towing of personal vehicles used for City business. When traveling by air, the coach fare shall apply except in extreme cases when other timely options are not available. Reimbursement may also be claimed for parking or tolls, but receipts should be obtained, if possible. Auto rentals and/or use of taxi cabs is permitted if alternate modes of local transportation are not available.

(b) **Lodging.** When an overnight stay is required for authorized travel, the City will reimburse for the actual cost of such lodging. Receipts are required.

(c) **Meal and Incidental Expenses.** Reimbursement for all meals will be paid at a per diem rate. Receipts should be obtained. A written request for expenses should be submitted two weeks prior to scheduled travel, if possible, to accounts payable. A check may be picked up the day before the scheduled travel.

(d) **Registration Fees.** Expenses incurred for registration fees for official conferences, seminars, conventions, or special meals may be reimbursed.

Section 7.07 Office Equipment

Certain equipment is assigned to staff depending on the needs of the position, such as a calculator, personal computer, printer and access to our central computers and servers. This equipment is the property of the City and cannot be removed from the office without prior approval from your supervisor. It is expected that you will treat this equipment with care and report any malfunctions immediately to staff members equipped to diagnosis the problem and take corrective action.

Section 7.08 Smoking Policy

Employees are not permitted to smoke tobacco or marijuana in any City Buildings or in any City vehicles, while on duty or off duty. Smoking is prohibited in any public areas, which are to include all entrances and exits to City buildings used by the public on a regular basis. The Department Director can establish smoking areas. Smokeless tobacco may be used as approved by a supervisor. If smokeless tobacco is allowed, it is required

that it be disposed of properly in sealed containers placed in waste containers. Smokeless marijuana may not be used.

Section 7.09 Alcohol

Alcohol is always prohibited on city property and in city vehicles, unless otherwise allowed by separate ordinance or rule. There is zero tolerance while performing city duties under the influence of alcohol.

Section 7.10 Firearms

Except for public safety officers authorized to do so, no employee shall carry or possess any firearm in any city building, in any city vehicle, or on their person while on duty. Personal firearms may be kept in a locked vehicle in city parking areas.

Section 7.11 Current Information & Employment Records

The City of Neosho is required by law to keep certain employment records on all its employees.

Employees shall report all changes in address, driver's license status, telephone number, marital status, and other pertinent information to the Human Resources Office for proper recording within 10 days of the change. This action is necessary to maintain accurate records affecting insurance and retirement benefits.

All official personnel files shall be kept at City Hall. All personnel files shall be kept confidential. Employees may view their personal employment records after notification to their Department Director. Human Resources, Department Directors, and City Manager may view personnel files. All viewing of files shall be done in the Human Resource Director's office in the presence of either the Human Resources Director or City Clerk.

All employee medical records shall be kept separately from employment records. Medical records shall be kept in all confidentiality and shall be housed in a separate, secured space.

The Human Resource Director may view employee medical records. Department Directors and the City Manager may view medical records only on a "need-to-know" basis.

Section 7.12 Political Activities

No paid employee of the City, while so employed, shall be a candidate for the City Council.

Section 7.13 Outside Employment

(a) Employees may engage in other employment provided it does not interfere with duties as a City employee, or the ability of the employee to perform City duties and does not create a conflict of interest for said employee. All requests for an employee's outside employment shall be subject to the Department Director approval.

(b) No employee will work in a department other than originally assigned unless approved by the Department Director and City Manager.

(c) Upon the discovery of such conflict of interest, the Department Director shall immediately contact the City Manager in writing, notifying them of said discovery.

(d) Employees of the City may not engage in outside business activities while on duty, nor may City property be used for any purpose other than City business or functions.

(e) City reserves the right to revoke approval at any time when doing so is in the best interest of the City.

(f) Employees who are unable to work for the City due to a work-related injury or personal illness are prohibited from working on outside employment without the prior approval of the Department Director and City Manager. Failure to comply with this restriction will not only create the presumption that leave time is being misused but will also result in disciplinary action.

Section 7.14 Purchase of Property

Employees, their spouses, and children are prohibited from bidding on or purchasing property owned by the City or under the direction and control of the City when the property is being sold at a public sale or auction, unless said bidding or purchasing of property would not be a violation of the conflict-of-interest statute or rules of the City. If the bidding or purchase of City property is not a violation of the conflict-of-interest statute or City rules, then the Employee, their spouse and/or children may bid and/or purchase property owned by the City.

Section 7.15 Drug-Free Workplace

The City is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind is inconsistent with the behavior expected of our employees and subjects all employees and visitors to our facilities to unacceptable safety risks and undermines our ability to operate effectively and efficiently. This includes the abuse of intoxicating substances, including inhalants such as solvents, aerosol sprays, gases, etc.

Section 7.16 Emergency Response

Should a major emergency occur, all employees are expected to report for duty under the guidelines of the Emergency Operations Plan. Individuals who are on vacation should

consider vacation cancelled and report to duty as soon as possible. Employees may be expected to perform duties outside their job description.

Chapter 8. Internet Access, Social Media, Telephone, and Email Use

To ensure responsibility, the following guidelines have been established for using e-mail and the Internet. No policy can lay down rules to cover every possible situation. Instead, it is designed to express City of Neosho philosophy and set forth general principles when using electronic media and services.

(a) Privacy. Employees should have no expectation of privacy while using any city device. Use may be monitored for customer service and business reasons. All emails/communications are subject to Sunshine Law and may become public.

(b) The City email and Internet system is the property of the City. By accessing the Internet, Intranet and electronic mail services through facilities provided by the City, you acknowledge that the City by itself or through its Internet Service Provider may from time-to-time monitor, log, and gather statistics on employee Internet activity and examine all individual connections and communications.

(c) Employees may not access, download, or distribute material in breach of the law, or which others may find offensive or objectionable, such as material that is pornographic, bigoted or an incitement to violence.

(d) Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

- (1). Discriminatory or harassing
- (2). Derogatory to any individual or group
- (3). Obscene, sexually explicit, or pornographic
- (4). Defamatory or threatening
- (5). In violation of any license governing the use of software; or
- (6). Engaged in for any purpose that is illegal or contrary to City of Neosho policy or business interests.

(e) Employees must always respect and comply with all copyright laws and intellectual property rights of both the City and other parties. When using web-based sources, employees should provide appropriate attribution and citation of information to the websites.

(f) Software may not be downloaded from the Internet without the prior approval of qualified persons within the City. To prevent computer viruses from being transmitted through the company's computer system, unauthorized downloading of any unauthorized

software is strictly prohibited. Only software registered through City of Neosho may be downloaded. Employees should contact the IT department if they have any questions.

(g) Unless authorized, employees may not participate in non-business-related social media sites, post comments on blogs, or falsely represent themselves while doing the business of the City. An internet user can be held responsible for any breaches of security or confidentiality.

(h) Email. The email system is the property of the City. All emails are archived on the server in accordance with our records retention policy, and all emails are subject to review by the City. Employees may make limited use of our email system for personal business matters, so long as such use is kept to a minimum and does not interfere with your work.

(1). Electronic mail is like any other form of City communication and may not be used for harassment or other unlawful purposes. An email account is a City-provided privilege and is City property. Employees should remember that when they send email from the City domain, they represent the City whether your message is business-related or personal.

(i) Telephones. The use of City telephones is for conducting City business. Occasional personal use of City landlines is permissible during working hours. However, any personal long-distance calls are not permitted. City cellular phones are authorized for official City business only. Exceptions may be made for emergency personal matters that require attention and where alternate forms of communication are not available.

(1). Any use of technology devices including computers for personal nature shall be held to a minimum both in length and occurrence. This includes any calls made on City owned or private cellular phones.

(2). On duty employees shall not use a cellular phone while operating a motor vehicle, equipment, or while performing duties that could be unsafe while using a cellular phone, unless required by the duties of their position and approved by their department head.

Section 8.02 Security/Appropriate Use

Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by company management, employees are prohibited from engaging in, or attempting to engage in:

(a) Monitoring or intercepting the files or electronic communications of other employees or third parties.

(b) Hacking or obtaining access to systems or accounts they are not authorized to use.

- (c) Using other people's logins or passwords.
- (d) Breaching, testing, or monitoring computer or network security measures.
- (e) No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
- (f) Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
- (g) Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

Section 8.03 Encryption

Employees can use encryption software supplied to them by the IT department for purposes of safeguarding sensitive or confidential business information. Employees who use encryption on files stored on a company computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

City of Neosho reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other company policies.

Employees should not assume electronic communications are completely private. Accordingly, if they have sensitive information to transmit, they should use other means.

Section 8.04 Violations

Any employee who abuses the privilege of their access to e-mail or the Internet in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

Chapter 9. City Vehicles

Section 9.01 Purpose

This policy establishes a uniform vehicle policy for City employees. Specifically, it serves as a guideline for mileage reimbursement, use of City-owned vehicles, taking City-owned vehicles to the home, driving personal vehicles for work related purposes, discipline, corrective action, and responsibility for enforcement. The intent of this policy is to ensure that employees are using City-owned vehicles for City purposes and consistent with recognized best practices in compliance with applicable federal, state, and local laws and regulations.

Section 9.02 Regulations for Use of City Vehicles

(a) City-owned vehicles are to be used only to conduct City business. No personal use of City-owned vehicles shall be allowed except that minimal personal use is permitted for employees authorized to take City-owned vehicles home.

(b) An employee who operates City-owned vehicles must have a valid driver's license for the class of vehicle they are assigned to operate. Employees are responsible for knowing all City policies and all state and local motor vehicle laws.

(c) Every employee is required to always wear a seatbelt while in a moving city vehicle. Employees are required to see that any passenger is also wearing a seatbelt.

(d) All City-owned vehicles shall be smoke free. No smoking shall be permitted in any City-owned vehicle.

(e) All employees who operate City-owned vehicles should remove all trash, debris, etc. upon leaving vehicle.

(f) Employees are responsible for paying fines for traffic violations when such fines arise from the operation of a vehicle on City business. The City will not reimburse employees for such fines unless there are extenuating circumstances, such as unknowingly driving a City-owned vehicle with defective equipment.

(g) Employees must notify their supervisor as soon as practical, but in any event within 24 hours, about any motor vehicle accident, vehicle damage or moving violation involving a city vehicle. The supervisor must notify the City Clerk as soon as practical on any type of accident involving a City vehicle.

(h) An employee must notify their supervisor as soon as practicable of any change in his or her driver's license status (including, but not limited to, suspension or revocation), any tickets he or she has received (including but not limited to DUI, speeding, no insurance, or driving while suspended), or any other incident which may impact employees' ability to drive for work related purposes.

(i) Only City employees may be passengers in City-owned vehicles; however non-City employees may be provided transportation if the vehicle is operated by a City employee and the transportation of the non-City employee directly relates to City business and falls within the employee's position responsibilities or authorized by the City Administrator.

(j) Employees may not operate a cellular phone while operating a City owned vehicle.

Section 9.03 Use of Personal Vehicle for City Business

(a) Mileage Reimbursement - Employees are directed to use City-owned vehicles to conduct authorized City business when possible and expedient. When individuals are unable to use a City-owned vehicle to conduct official business they will receive mileage reimbursement at a rate established by the Finance Director.

(b) The current reimbursement rate is equal to GSA.

(c) Mileage reimbursement will be based on the distance traveled as shown on Google Maps.

(d) All employees who operate their own personal vehicle for City business shall have liability insurance which complies with state law.

(e) All employees who operate their own personal vehicle for City business shall always wear a seatbelt while operating the vehicle.

(f) The City shall not be responsible for any damage done to employee's personal vehicle.

Section 9.04 Take Home Vehicle Regulations

(a) It is the City Manager's responsibility to approve all requests for a take-home vehicle. Employees with bona fide non-compensatory business reasons may be allowed and/or required to commute in a City owned vehicle. No personal use other than commuting or *de minimis* personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home) will be allowed. Use of a take home vehicle may be a taxable benefit.

(b) Employees who operate City vehicles and are required to take the vehicle home after work hours may be subject to tax regulations as described by the Internal Revenue Service. Vehicles will be used only as transportation to and from the job site.

(c) Any employee who drives a City owned vehicle must have a valid U.S. license.

(d) If the vehicle is involved in an accident the employee will notify the Police followed by their immediate supervisor. The Department Director will notify the City Clerk's office and forward a copy of the Police report as soon as it is available. There

shall be a police investigation for each accident regardless of the circumstances. The driver of the vehicle will be subject to a drug test, if at fault or caused by negligence.

(e) No alcohol, firearms or narcotics shall be carried in a City vehicle except for those required for official business.

(f) All traffic violations incurred by an employee while driving a City vehicle will be the responsibility of the employee driver. All violations will be immediately reported to the Department Director. The Department Director will report all such incidents to the City Clerk within 24 hours.

(g) The use of a City vehicle shall be for the purpose of City business and only when authorized by the proper authority. Only employees of the City or authorized visitors on City business will be allowed to ride in a City vehicle.

(h) Authorization of take-home vehicles will be done by the management team and approved by the City Manager.

(i) Take home vehicles will be authorized only for those who have a need to respond to City business immediately. All such vehicles will be reviewed from time to time to ensure that they remain necessary to provide the proper service to the City.

(j) All take-home vehicles must serve a need for the City and should not be authorized for compensation to an employee.

(k) All take-home vehicles shall be parked at the employee's residence or the location of the employee within the City Limits except when in use for City business.

(l) All take-home vehicles will be authorized only to employees who live within the allowable distance of the City Limits.

Section 9.05 Accidents in City-Owned Vehicles

(a) If an employee is involved in an accident while driving a City vehicle, the employee should:

- (1). Give whatever aid they are qualified to perform to any injured parties. If an injury requiring emergency medical treatment has been sustained, call 911 for immediate assistance.
- (2). Call the Police Department immediately. Do not move the vehicle in the event of an injury accident until directed by a police officer. A police report is required in every case no matter how minor the damage.
- (3). Give your name, department, and insurance information to the other driver but do not discuss the accident with anyone except the investigating officer or your Supervisor.

- (4). Call the Supervisor who will then be responsible to file the police report and send to the City Clerk.
- (5). Report to the drug and alcohol testing site designated by the City immediately. A Supervisor or other member of City administration must provide transport unless otherwise directed by the Human Resources Department or City Manager. Exceptions can only be made by the Human Resources Manager or the City Administrator.
 - (b) Failure to report any accident or vehicle damage immediately may result in disciplinary action including termination.

Section 9.06 Distracted Driving

The City has a vital interest in maintaining a safe, healthy, and efficient working environment for its employees. This includes a safe and appropriate environment while traveling on company business. Distracted driving is a serious safety risk, not only to the driver, but also to other occupants in the vehicle, other vehicles on the road and pedestrians. To reduce the risks associated with distracted driving, certain conduct is prohibited while driving a City-owned motor vehicle or while driving a personal vehicle while on City business, including:

- Using cell phones (including hands-free)
- Operating laptops, tablets, portable media devices, and GPS devices
- Reading maps or any type of document, printed or electronic.

Drivers must pull over safely to the side of the road or another safe location before checking messages, returning calls, text messaging, emailing, reading maps for directions, or programming/resetting GPS devices. A violation of this policy will subject the employee to disciplinary action up to and including termination.

Chapter 10. Safety

Section 10.01 Rules and Regulations

City employees shall observe the rules and regulations established by the City or any supervisor or as set forth in the City Safety Manual. City employees shall be responsible for the implementation of job assignments in the safest manner possible.

Section 10.02 Reporting Injuries

Any employee who sustains an on-the-job injury shall report the injury as soon as possible within the current work shift, regardless of severity, to their immediate supervisor and FirstNurse. The responsible Department shall notify Human Resources of any injury within twenty-four (24) hours, complete and submit the mandated Supervisor's Report within three (3) working days of any such accident. The immediate supervisor shall subsequently investigate and prepare internal reports of such injuries as soon as practical.

Injured employees needing professional medical attention shall see a physician appointed by the City. The Human Resources Department shall notify all Departments of the authorized "City Physician".

The City insures employees against accidental work injuries under the Worker's Compensation Act of the State of Missouri.

Any employee who is absent due to injury on-the-job and qualifies for Workers' Compensation benefits shall be paid by the City's Workers' Compensation provider.

Any employee who sustains an injury which requires them to miss less than three (3) working shifts shall be allowed to use accrued time to cover time lost.

Any injured worker who with a doctor's written permission, may perform light duty may be assigned to any City Department for light duty.

The City shall reserve the right to choose a physician for Workers' Compensation injuries

Section 10.03 Safety Sensitive Position

Safety sensitive positions are those positions in which the employee is responsible for their own safety or the safety of others. Such safety sensitive positions include, but are not limited to:

- (a) Police personnel
- (b) Fire personnel
- (c) Public works personnel
- (d) Airport personnel

(e) City Inspector & Maintenance

(f) All employees that operate city vehicles as part of their job, etc.

The City will include a statement that the position is a safety sensitive position in the job description for each safety sensitive job.

Chapter 11. Travel Expenses

Section 11.01 Travel

In the interest of promoting growth, representing the City at various functions, and conducting official business, it is necessary for employees and other officials to travel out of the area from time to time. Any official travel requires prior approval from the respective Department Director and City Manager. It is intended that all reasonable costs incurred because of authorized travel shall be reimbursed in accordance with the following guidelines:

(a) Transportation

- (i) The least expensive but most direct mode of transportation shall be used when traveling out of the area for official business. City staff cars should be used whenever possible. Reimbursement for use of a personal vehicle, when authorized, shall be at the current reimbursement rate set forth in the federal guidelines. No reimbursement shall be granted for damage, repairs, or towing of personal vehicles used for City business. When traveling by air, the coach fare shall apply except in extreme cases when other timely options are not available. Reimbursement may also be claimed for parking or tolls, but receipts should be obtained, if possible. Auto rentals and/or use of taxi cabs is permitted if alternate modes of local transportation are not available.

(b) Lodging

- (i) When an overnight stay is required for authorized travel, the City will reimburse for the actual cost of such lodging. Receipts are required.

(c) Meal and Incidental Expenses

- (i) Reimbursement for all meals will be paid at a per diem rate. A written request for expenses should be submitted two (2) weeks prior to scheduled travel, if possible, to accounts payable. A check may be picked up the day before the scheduled travel.

(d) Registration Fees

- (i) Expenses incurred for registration fees for official conferences, seminars, conventions, or special meals may be reimbursed in accordance with the agenda.

Chapter 12. Substance & Alcohol Abuse

Section 12.01 Policy and Purpose

(a) The City is dedicated to providing safe, quality service to all citizens and visitors to our community. Our most valuable resources in providing this service are our employees. Amongst our major goals is to provide employees with a safe, healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- (1). Assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.
- (2). Create a workplace environment free from the adverse effects of substance (“substance” as defined in this section, is referring to any drug or chemical that is regulated by the government (i.e., illegal drugs, prescription medications) and other intoxicating substances) abuse and/or alcohol misuse.
- (3). Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of substances.
- (4). Encourage employees to seek professional assistance anytime personal problems, including alcohol and/or substance dependency or use, adversely affects their ability to perform their assigned duties.

(b) It is the purpose of this policy to:

- (1). Assure employee fitness for duty and to express our policy of zero tolerance for substance and alcohol abuse.
- (2). Protect other employees and the general public from the risks posed by the misuse of alcohol, substance abuse and over-the-counter medications with side effects causing potential impairments.
- (3). Comply with all applicable State and Federal laws and regulations governing workplace anti-drug and alcohol abuse programs.

(c) Comply with the following Federal regulations:

- (1). U. S. Department of Transportation (DOT) 49 of the Code of Federal Regulations (CFR) Part 29, “the Drug-Free Workplace Act of 1988.”
- (2). DOT 49 CFR Part 40 sets standards for collection and testing of urine and breath specimens.

Section 12.02 Substance and/or Alcohol Testing

All City employees and DOT required positions are covered by one or more of the tests provided by this policy. Substance testing will normally be performed by urinalysis, and alcohol testing will normally be performed by breath analysis. All regular and temporary full-time employees are subject to these tests, additionally, part-time employees or contract employees who routinely operate City vehicles, construction or heavy equipment on public streets or highways are subject to these tests.

(a) PRE-EMPLOYMENT TESTING

- (1). Testing for substances shall be made only after conditional offer of employment, but prior to beginning work. This applies to all regular and temporary full-time employees and any other employee who will be routinely operating City vehicles, construction or heavy equipment on public streets or highways.
- (2). If the individual starts employment prior to test results being received, the employee shall not operate any City vehicle or heavy equipment until the substance test results have been received and verified by the Human Resources Office.
- (3). Positive test results shall result in the withdrawal of the conditional offer of employment.

(b) POST ACCIDENT TESTING

- (1). All employees of any classification are subject to post accident substance and alcohol testing immediately following the incident.
- (2). Testing is required for:
 - Accidents involving a motor vehicle or heavy equipment unless vehicle or equipment was legally stopped and was struck by another party.
 - Accidents resulting in damage to City equipment or property, or private property caused by the operation of City vehicles or heavy equipment.
 - Accidents resulting in an employee being cited for a traffic violation.
 - Accidents resulting from a violation of a safety policy or procedure.
- (3). Post-accident testing shall be completed during or after necessary medical treatment within the time frame listed above.

(c) RANDOM TESTING

- (1). Substance and alcohol random testing shall be required of all regular public safety employees in the positions of, but not limited to, air traffic controller, police officer, firefighter and other positions that require the employee to operate vehicles (other than passenger cars or passenger trucks) or heavy equipment on public streets or highways. Additionally, temporary full-time, part-time and contract employees who

operate City vehicles or heavy equipment or construction equipment on public streets or highways shall be subject to this testing.

- (2). Random testing may occur at any time and without warning.
- (3). If chosen for random testing, the employee is required to report for testing the same day as notified by Human Resources.
- (4). Random testing or testing without individualized suspicion will only be required of employees whose position creates the special need of public safety.

(d) REASONABLE SUSPICION OR PROBABLE CAUSE TESTING

- (1). All employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that substance or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made based on documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:
 - Physical signs and symptoms consistent with controlled or prohibited substance use or alcohol misuse.
 - Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
 - Occurrence of a serious or potentially serious accident that may have been caused by controlled or prohibited substance abuse or alcohol misuse.
 - Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- (2). Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired (to mean the employee's ability to perform his/her duties is diminished to an unacceptable or unsafe level) in their work performance due to possible substance abuse or alcohol or controlled substance misuse. The Human Resources Manager will be consulted to aid in the determination if the suspicion is reasonable. If the Human Resources Director is unavailable, a second trained supervisor should be consulted for a second opinion.

(e) ADDITIONAL TESTING

- (1). Return-to-duty testing: Employees who previously identified themselves as drug or alcohol dependent must test negative on a return-to-duty test and be evaluated and released to duty by a Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by

the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium for Alcohol and Drug Abuse. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.

- (2). Follow-up testing shall be required of persons returning from voluntary drug or alcohol rehabilitation programs. Employees will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. A qualified Substance Abuse Professional will determine the frequency and overall duration of the follow-up tests beyond the minimum.

Section 12.03 Substance Testing, Process and Procedure

(a) Analytical urine substance testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations.

(b) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner, and every effort will be made to protect the employee, the integrity of the substance testing procedure, and the validity of the test result.

(c) Alternative methods may be utilized when the employee is seeking medical treatment due to an injury.

Section 12.04 Testing Parameters

Positive tests are expressed in nanograms per milliliter.

(a) Initial Test Confirmation Test

- (1). Amphetamines (speed, uppers, amphetamines, 1000 500
- (2). Methamphetamines, (some diet pills, etc.)
- (3). Opiates (heroin, morphine, etc.) 2000 2000
- (4). Acetyl morphine 10
- (5). Cannabis (marijuana, hashish, etc.) 50 15

(6). Cocaine (codeine will give positive test) 300 150

(7). Phencyclidine 25 25

(b) Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT or Non-DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will notify the employee of the positive laboratory result and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate explanation is found, the test will be verified positive and reported to the City's program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

(c) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if requested by the employee through the Medical Review Officer.

(d) In instances where there is a reason to believe an employee is abusing a substance other than the seven drugs listed above, the City reserves the right to test for additional drugs under the City's own authority using standard laboratory testing protocols.

(e) Any employee who questions the results of a required drug test may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were completely beyond the control of the employee.

Section 12.05 Opportunity to Explain Confirmed Positive Test Results

Prior to taking any action as the result of a positive drug or alcohol test, the City shall provide all City employees with the opportunity to explain confirmed positive test results.

Section 12.06 Drug Use Penalties

(a) Any employee who has a confirmed positive drug test, to mean no medical evidence or valid pre-existing medical prescriptions have been provided to refute the result, shall be recommended for termination of employment pending due process.

(b) Refusal to take any of the tests in this policy will be treated as a positive test result and result in a recommendation of termination of employment pending due process.

Section 12.07 Medical Marijuana

(a) Any employee utilizing marijuana or marijuana-infused products for medicinal purposes shall adhere to the requirements of state and federal law, including Section 1 of Article XVI of the Missouri Constitution as well as rules and regulations adopted by the Department of Health and Senior Services, City ordinances and City policies.

(b) All employees are prohibited from the use, possession, sale, transfer, manufacture, distribution or purchase of marijuana or marijuana paraphernalia for medical purposes at any time while on City premises or while conducting City business.

(c) Any employee believed to be under the influence of marijuana while on City premises or while conducting City business shall be subject to drug testing. In accordance with Section 12.05 of this Manual, any employee who has a confirmed positive drug test shall be recommended for termination of employment pending due process.

- (1). Amendment 2 was passed on November 6, 2018. The Department of Health and Senior Services (“Department”) has six (6) months to issue any rules necessary for the implementation and enforcement of the Medical Marijuana law. Based on the rules and regulations the Department issues, this section may need to be revised. Keep in mind, under Missouri Law, a person is prohibited from consuming marijuana for medical use in a jail or correctional facility; operate a dangerous device or motor vehicle under the influence; or bring a claim against any employer, former employer or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employee, former employee or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment for working or attempting to work while under the influence of marijuana.

Section 12.08 Alcohol Testing, Process and Procedure

(a) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using an NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

(b) Any employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from their position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused absence subject to City disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.

Section 12.09 Alcohol Use Penalties

(a) Any employee who has a positive alcohol test shall be recommended for termination of employment pending due process.

(b) Refusal to take any of the tests in this policy will be treated as a positive test result and result in a recommendation of termination of employment pending due process.

Section 12.10 Additional Employee Responsibilities

(a) Employees who may be taking either prescription medication or “over the counter” medication which may impair their normal reaction time, distance judgment or reasoning ability must inform their supervisor of the possible impairment upon reporting for work. The employee should only indicate that an impairment might exist and should not share any medical information with their supervisor. The supervisor will then have the employee work with the Human Resources Office so that the proper medical personnel can determine if any restrictions are needed. If Human Resources determines that restrictions are needed, Human Resources will notify the supervisor of the restrictions and the supervisor is then responsible for assigning duties the employee may safely perform that day or shift. If no suitable work can be assigned, the employee may be relieved from work under sick leave.

(b) Employees who have been unexpectedly recalled for duty after consuming medication or alcohol must inform their supervisor or person responsible for making the recall notice. Supervisors shall not recall employees who have consumed medication or alcohol if such recall would place the employee in jeopardy or in violation of this section. Alternatively, the employee may be tested to insure a .00% blood alcohol content prior to assigning employee to duty.

(c) Employees who fail to inform their supervisor as required above may be held personally liable for any accident, which results in injury and/or property damage and shall be subject to the penalty part of this section.

Section 12.11 Supervisor Responsibilities

Supervisors shall arrange return to home transportation for any employee who reports to work when:

(a) The employee may be affected by prescription or across-the-counter medication.

(b) The employee may be affected or impaired by alcohol consumption. Alcohol testing may be utilized to determine the employee's fitness for work and/or violation of this policy or state law pertaining to driving while intoxicated.

Section 12.12 Employee and Supervisor Training

(a) All employees whose positions require a CDL or who operate vehicles or heavy equipment weighing 26,001 pounds or greater must receive, on an annual basis, information on signs and symptoms of drug and alcohol abuse, including the effects and consequences of drug use on personal health, safety, and the work environment.

(b) All supervisory personnel must receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse at least every 24 months.

Section 12.13 Rehabilitation Assistance

City employees seeking and undergoing treatment for alcohol or drug abuse under the City's health insurance plan, and who have not been terminated, shall agree to undertake, and successfully complete the rehabilitation program established for the employee by the health care provider under the insurance plan. The employee will provide a release for all medical records to the City for use and review by the City to monitor and assess compliance with this rehabilitation program. The employee must agree to refrain from any violation of this policy or the rehabilitation program. Further, the employee must agree that any future controlled substance and/or alcohol use violating the provisions of this policy, or the rehabilitation program shall be deemed to be a resignation by the employee without recourse. Finally, the

employee must submit to all return to duty and follow-up testing that may be required under this policy.

Section 12.14 Inspections

All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy. This property includes, but is not limited to, City vehicles, desks, containers, files, and storage lockers.

Section 12.15 Arrest or Conviction under a Criminal Drug Statute

Employees must notify their department head or the City Manager within five (5) days of any arrest or conviction under any criminal drug statute.

Should such employee be working on a Federal program or receive wages from Federal grant monies, the City is required to notify the granting agency of drug related convictions occurring in the workplace within ten (10) days. Within thirty (30) days of receiving notice from the employee, the City will take appropriate disciplinary action, up to and including discharge, or require participation in a rehabilitation program at its sole discretion.

Section 12.16 Contact Person

As part of our continuing policy to ensure fair and equal treatment of our employees, the City recognizes that there may be questions or concerns involving the City of Neosho alcohol and drug abuse policy. To assist in understanding these requirements, the City has designated the City Manager to answer questions regarding alcohol and drug testing. The City encourages its employees to contact the City Manager with any questions concerning this policy.

Section 12.17 Good Faith Compliance

The City adopts this policy for the purposes stated herein and as part of its good faith effort to comply with the Department of Transportation's regulations. The City will continue to follow these regulations as interpreted, modified, or amended.

Chapter 13. Disciplinary Procedures

Section 13.01 Summary

One of the primary objectives of supervision is to ensure prompt, efficient and courteous service to the public. To meet this goal supervisors are responsible for training, assisting, motivating, directing, and correcting behavior of staff. In any organization it is essential that certain standards of personal conduct and work performance be maintained. Most people prefer to work in an orderly environment and will readily conform to reasonable rules of conduct and standards of performance if they understand what is expected of them. Supervisors are responsible for informing their subordinates of management's expectations. Where problems with employee behavior or performance arise, a supervisor should seek to correct the problem with the least amount of disruption to the work environment. Discipline is a means to correct employee behavior and performance. This information addresses both progressive discipline and summary discharge.

Section 13.02 Grounds for Discipline

(a) Violation of any of the provisions of the policies and procedures set forth in this Manual is a basis for disciplinary action.

(b) In addition, the following are declared to be grounds for disciplinary action including demotion, suspension, or termination of any employee:

- (1). Conviction of a felony
- (2). Acts of incompetence
- (3). Absence without leave
- (4). Acts of insubordination
- (5). Intentional failure or refusal to carry out instructions
- (6). Misappropriation, destruction, theft, or conversion of City property
- (7). Employee subsequently becomes physically or mentally unfit for the performance of their duties
- (8). Acts of misconduct while on duty
- (9). Habitual tardiness and/or absenteeism
- (10). Falsification of any information required by the City

- (11). Failure to properly report accidents or personal injuries while on duty or operating City Property.
- (12). Neglect or carelessness resulting in damage to City property or equipment
- (13). Repeated convictions during employment of misdemeanor and/or traffic charges
- (14). Possession or misuse of non-prescription controlled substances.
- (15). Failure of a drug or alcohol test.
- (16). Loss of license or qualification for position
- (17). Discourtesy to a customer, provider, or the general public resulting in a complaint or loss of good will.
- (18). Accepting money or favors or gifts for personal gain for work done as a City employee.
- (19). Off-duty conduct of such major import that the employee is unable to fulfill job responsibilities.
- (20). Off-duty misconduct of such significance that there is an adverse effect upon the City.
- (21). This list does not cover every situation and the City can act as deemed necessary.

Section 13.03 Progressive Discipline

(a) Progressive discipline is utilized for employees who are not in a probationary period, and may include oral warning, written warning, suspension, and ultimately discharge.

(b) The goals of progressive discipline are to inform the employee of inadequacies in performance or instances of improper behavior; clarify what constitutes satisfactory performance or behavior; instruct the employee on what action must be taken to correct the performance or behavior problem; and inform the employee of what action will be taken in the future if the expectations are not met.

(c) There are several levels of disciplinary action, each progressively more serious, which may be used to correct employee performance and behavior. While it is desirable to follow progressive discipline, the City is not required to follow such progression and may impose such discipline as may be deemed appropriate.

- (1). **Oral Warning** - An employee may be issued an oral warning for a performance or behavior problem. Oral warnings are typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem

and what the employee must do to return to satisfactory status. Supervisory notes to the file are permissible and, in most cases, appropriate. The employee should be informed that the conference is being conducted for the purpose of issuing an oral warning. This ensures that the employee is aware that disciplinary action is taking place.

- (2). **Written Warning** - Employees may be issued a written warning as a letter or memo which contains the following information: a description of the specific problem or offense; the most recent incident and when it occurred; previous actions taken to correct the problem (if applicable); expectations and acceptable standards of performance; and warning that further unsatisfactory behavior or performance may result in further disciplinary action. Typically, the written warning is issued and discussed with the employee in private conference with the supervisor. A copy of the written warning should be given to the employee and a copy placed in the employee's official personnel record. The written warning may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed. If prior oral warnings have been given on the same subject these should be noted in the written warning.
- (3). **Suspension** - Nonexempt employees may be suspended without pay for incidents which are serious enough to warrant summary suspension, or after less severe disciplinary actions have been taken. The duration of the suspension should be commensurate with the offense. Typically, the employee is informed of the suspension in private conference with their supervisor. The employee is given a letter detailing the basis for the action which specifies: the length of the suspension (beginning and ending dates); a description of the specific problem or offense; the most recent incident and when it occurred; previous actions taken to correct the problem, if applicable; expectations and acceptable standards of performance; and a warning that further unsatisfactory behavior or performance may result in further disciplinary action, up to and including discharge. The suspension letter may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.
- (4). **Discharge** - Employees may be discharged for incidents which are serious enough to warrant summary discharge, or after less severe disciplinary actions have been taken. It is advisable to discharge an employee in private conference with their supervisor and other appropriate levels of supervision. During this conference, the employee is usually given a letter or a memorandum clearly stating the effective date of discharge. When allegations are serious enough to merit summary discharge, the employee should be suspended pending investigation. This suspension is for the purpose of investigating the problem and conferring with appropriate officials regarding the decision to discharge and should be so communicated to the employee.

Section 13.04 Discipline of Law Enforcement Officers (Pursuant to §590.502, RSMo)

(a) Whenever a law enforcement officer (“Officer”) is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could leave to economic loss, the investigation or questioning as well as the due process hearing shall be conducted pursuant to §590.502, RSMo which is generally set forth below.

- (1). Complainant (including employees of the City or employees in the Police Department) must file a written statement outlining the complaint, including personal identifying information of complainant (all personal identifying information shall be held confidential by the City).
- (2). Officer shall receive written notice (the “Notice”) of the existence and nature of the alleged violation and the individuals who will be conducting the investigation.

i. Officer receives the Notice and copy of the complaint, at least 24 hours prior to any interview.

- (3). Prior to the interview, the investigator shall advise the Officer of the Garrity Rule (the Officer is being ordered to answer questions under threat of disciplinary action and that the Officer’s answers to the questions will not be used against the Officer in criminal proceedings).
- (4). Prior to the interview, the Officer and their attorney shall have the opportunity to review the complaint.

(b) Interview of the Officer:

- (1). Interviews shall be conducted for a reasonable length of time and only while the Officer is on duty, unless reasonable circumstances exist that necessitate questioning the Officer while they are off duty.
- (2). Interviews shall be conducted at a secure location.
- (3). Officer shall be questioned by up to 2 investigators and be informed of the name, rank and command of the investigator(s) conducting the investigation(s).
- (4). Officer shall not be threatened, harassed, or promised rewards to induce them into answering questions.
- (5). Officer under investigation is entitled to have an attorney or authorized representative present during any questioning.
- (6). The City will complete the investigation and render a disciplinary decision within 90 days from receipt of the complaint.

- (7). Upon completion of the investigation, a copy of the entire record shall be provided to the Officer within 5 business days of the Officer's written request; and
- (8). All records compiled as a result of the investigation shall be held confidential and not subject to disclosure under the Missouri Sunshine Law (except for lawful subpoena or court order).

(c) Disciplinary Appeal Hearing:

- (1). Officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to full due process hearing. The components of the hearing include:
 - (2). Right to be represented by an attorney or other person of their choice.
 - (3). 7 days' notice of the hearing date and time.
 - (4). An opportunity to review the record, at least 7 days in advance of the hearing.
 - (5). Right to refuse to testify at the hearing if Officer is concurrently facing criminal charges in connection with the same incident.
 - (6). Complete record of the hearing shall be kept by the City and a copy provided to the Officer upon written request.
 - (7). Entire record of the hearing shall remain confidential and not subject to disclosure under the Missouri Sunshine Law.
 - (8). Any decision, order or action taken following the hearing shall be in writing and accompanied by findings of fact.
 - (9). A copy of the decision along with the findings of fact, written action and right of appeal shall be delivered or mailed to the Officer promptly after decision made.
 - (10). Officers shall have the opportunity to provide written responses to any adverse materials placed in their personnel file.
 - (11). Officers have the right to compensation for any economic loss incurred during an investigation if the Officer is found to have committed no misconduct.

(d) Civil Claims Against Officer

- (1). City shall defend and indemnify Officer from and against civil claims made against them if the conduct arose in the course and scope of the Officer's obligations and duties as a law enforcement officer – this includes any actions taken off-duty; and

- (2). If convicted, or Officer pleads guilty to criminal charges, then City is not obligated to defend and indemnify the Officer in any related civil claims.

Section 13.05 Employee Grievances

Any employee who considers himself/herself aggrieved as a result of disciplinary action should refer to the City's grievance policy as described below.

From the standpoint of the following procedures, a grievance exists when an employee feels dissatisfaction or annoyance with some aspect of their work over which they have no control and has made a good effort to solve the problem. Calm and sensible discussion between the employee and the immediate supervisor will usually resolve most employee problems.

This sort of settlement without bringing in a third (3rd) party is the best way to settle most grievances. This can be done readily when both the supervisor and the employee adopt a proper attitude and show willingness to settle any differences that may exist intelligently and on a reasonable basis. Supervisor and higher authorities shall, in attempting to reach a satisfactory adjustment, see that all questions, complaints and grievances receive prompt, impartial and systematic consideration.

Procedure:

1. If discussion with the employee's supervisor does not bring satisfactory results, the employee may submit their grievance, in writing, to the Department Director within five (5) days following the alleged infraction, who will consult the City Manager, if necessary. The Department Director will respond in writing to the employee within five (5) working days.
2. In the case of grievances involving discharge, reduction in rate of compensation, allegations against the Department Director, or alleged misinterpretation of City policy, the employee may file an appeal in writing to the City Manager. Such an appeal will state the pertinent facts relative to the grievance and shall be filed within ten (10) calendar days following such incident. In no case shall a grievance of this type be heard unless it is first put into writing.

The City Manager shall review the grievance of the employee and the response from the Department Director. The City Manager shall state their findings in writing. The City Manager shall, within five (5) working days, notify the Department Director and the employee of said findings and decisions. The decision of the City Manager is and shall be considered final on all grievances.

Chapter 14. Employee Separations

Section 14.01 Types of Separations

All separations of employees are designated as one of the following types:

- (a) Resignation
- (b) Retirement
- (c) Involuntary Termination
- (d) Disability; or
- (e) Death.

Section 14.02 Resignation

(a) An employee who intends to resign must notify their Supervisor in writing, of the date on which they wish resignation to be effective. This notification should be given at least two (2) weeks prior to the employee's last day of employment. The Department Director is responsible for notifying the Human Resources Department and City Manager within twenty-four (24) hours.

- (1). Failure to give such notice may jeopardize the employee's right to benefits from accumulated vacation at the end of employment.
- (2). If accumulated vacation is to be used at the end of employment, advance notice of two (2) calendar weeks must be given before the beginning of the vacation.

(b) An employee may leave City service in good standing by submitting their written resignation in the prescribed manner, giving two (2) weeks' notice to the employee's departmental Supervisor and the Human Resources Department. The Department Director may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice provision provided herein is waived.

(c) The period of notice referred to above may be reduced and waived upon recommendation of the Department Director and approval of the City Manager.

(d) Any City employee who does not return City property prior to the last day of employment may be referred to the City attorney for recovery and prosecution.

(e) The written notice shall include, but is not limited to, the following:

- (1). Date of letter

- (2). Last day of employment
- (3). Forwarding address
- (4). Signature of the employee.

Section 14.03 Involuntary Termination

(a) All employees are employed at will and may be terminated involuntarily with or without cause at any time during their employment.

(b) In the case of involuntary termination, the employee will receive a final paycheck within one (1) business day of termination.

(c) Whenever possible, prior to termination, the Employee will be given a written notice of the City's intent to terminate the employee's services setting forth in a general manner the basis for the termination and that the Employee may request a hearing. Whenever feasible, and if the Employee requests it, prior to termination, the employee will be entitled to a hearing with the City Administrator and department director to determine if termination should be recommended to the Human Resources Department and City Manager. Such hearings will not be governed by formal rules of evidence, but the employee will have the right to be heard and to hear the evidence against them. If a hearing is not possible prior to termination, the employee may, within 3 business days, request a hearing at which the termination may be reconsidered.

(d) Removal of Chief Law Enforcement Officer (Pursuant to §106.273, RSMo):

- 1. This section only applies to non-elected Police Chiefs.
- 2. A Police Chief shall be subject to removal from employment by the City for "just cause" which is defined as one of the following:
 - a. When the Police Chief is unable to perform their duties with reasonable competence or reasonable safety as a result of a mental condition, including alcohol or substance abuse;
 - b. When the Police Chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
 - c. When the Police Chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
 - d. When the Police Chief acts in a manner for the sole purpose of furthering their self-interest or in a manner inconsistent with the interests of the public or the City;
 - e. When the Police Chief has been found to have violated any law, statute, or ordinance which constitutes a felony; or

- f. When the Police Chief has been deemed insubordinate or found to be in violation of a written established policy unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.
3. Prior to the governing body's removal of the Police Chief:
 - a. Governing body issues a written notice to the Police Chief at least 10 business days prior to the meeting at which his/her removal is being considered.
 - b. The notice shall include:
 - i. Charges specifying just cause for which removal is sought;
 - ii. A statement of facts that are alleged to constitute just cause for the Police Chief's removal; and
 - iii. Date, time, and location of the meeting at which the Police Chief's removal will be considered.
 - c. At the meeting, the Police Chief may be represented by counsel of his choosing and shall be given an opportunity to be heard together with any witnesses and evidence.
 - d. The removal of the Police Chief requires a two-thirds majority vote of the governing body.
 4. After removal procedures
 - a. If the governing body votes to remove the Police Chief as set forth above, the Police Chief shall be immediately removed from office and relieved of all duties and responsibilities of the office and shall be entitled to no further compensation or benefits not already earned, accrued, or agreed upon.
 - b. City shall issue a written notice of the grounds of the Police Chief's removal to the Police Chief within 14 calendar days of the Police Chief's removal.

Section 14.04 Temporary Assignments to Higher or Lower Job Grades

In cases where an employee is temporarily assigned to work in a position in the same or a lower job grade, the employee's rate of pay will not be changed. All such changes shall be approved by the City Manager prior to implementation.

Section 14.05 Reduction in Force - Layoff

The Department Director(s) affected will recommend to the City Manager a complete force reduction plan for their department(s) per City ordinance. The factors to be considered in each lay-off or reduction in force shall include the following:

- 1) type of activities to be curtailed;
- 2) classes and job descriptions of positions thereby affected;
- 3) the length of the employee's service to the City,
- 4) advisability of demoting employees in the higher to lower classifications for which they are qualified; and
- 5) laying off those in lower classifications.

The City Manager will review the submitted plan and advise the Mayor and City Council of the actions under consideration.

Each employee affected by a force reduction will receive (no less than two (2) calendar weeks prior to the force reduction effective date) a letter of notification stating the change status and the effective date of the change. A copy of the letter will be made a permanent part of the employee's personnel folder.

Employees who are laid off are eligible to recall back to work, at the option of the City. Within two hundred forty (240) days of the layoff of any full-time employee, and subsequent rehiring to another full-time position with the City, the employee shall be considered to have provided continuous service and shall be subject to the rules contained within this policy.

All other persons who are rehired after the layoff exceeds two hundred forty (240) days, but not more than three hundred sixty-five (365) days shall be considered a new employee. However, the employee's length of service shall be considered in determining their starting pay. All employees who may be laid off and rehired by the City after three hundred sixty-five (365) days from the date of layoff shall be considered a new employee and shall be subject to all rules and regulations covering new employees.

All benefits are suspended during a layoff.

Section 14.06 Disability

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the City to hold the position open, and if no position is available which the employee could perform, the employee will be separated from employment with the City.

Section 14.07 Death

If a City employee dies, their estate receives all pay due and any earned and payable benefits as of the date of death. If probate is not opened, the legal heirs may apply for payment and shall be requested to provide proper documentation and identification and execute all documents deemed necessary by the City to receive payment of any earned and payable benefits or wages.

Section 14.08 Return of City Property

All records, property, uniforms, or other instruments belonging to the City in the possession of the separated employee shall be returned before final payment will be made. In the event such items are not returned to the City prior to the issuance of final payment, as a condition of employment with the City, the employee agrees that such amounts may be deducted from any final payment due to such employee.

Section 14.09 Calculation of Separation Pay

(a) Upon separation from City employment, a full-time employee will be paid for accrued unused vacation leave.

(b) Unused sick leave will be canceled upon separation of employment with the City.

(c) Accrued sick leave shall not be paid to any City employee upon separation from employment with the City.

(d) Employees separating other than by involuntary termination will receive their final paycheck on the next regularly scheduled payday following their last day of employment. This final check will be by a paycheck rather than direct deposit which will be hand delivered or mailed to the employee's last known address rather than by direct deposit.

Section 14.10 Continuation of Group Insurance

(a) The Federal *Consolidated Omnibus Reconciliation Act of 1985 (COBRA)* provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. Upon separation from the City, information regarding continuation of group benefits will be sent to each covered employee and family members. Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

Chapter 15. **Amendments**

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

Chapter 16. **Definitions**

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

Anniversary date: Date of hire.

Appointing authority: The City Manager or a designee of the City Manager or any person or group of persons having the power by virtue of ordinance or other lawfully delegated authority to make appointment to positions in the municipal service.

Appointment: The designation to a position in the municipal service of a person who has qualified for the appointment through the appropriate selection process.

Certification: The act of supplying an appointing authority with an appropriate number of names of applicants who are eligible, in accordance with legal provisions and these rules, for appointment to a position.

City Manager: The duly appointed City Manager of the City or a designee.

Class: One (1) or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and the same salary range may apply with equity.

Classification: The original assignment of a position to an appropriate class on the basis of the nature, difficulty, responsibility of work to be performed, work experience and minimum education.

Continuous service: The amount of time continuously served with the City by an employee from the last date of appointment to a full-time position.

Covered employees: An employee who is covered by the provisions of the Fair Labor Standards Act (FLSA), particularly as related to overtime.

Demotion: The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

Date of employment: The date an employee starts work as a new hire or rehire.

Date of termination: The date an employee separates from employment.

Delay: Failure to immediately report to the test site to participate in the required testing under the alcohol and controlled substance abuse policy.

Department: Any of the departments under the jurisdiction of the City Manager, now or as hereafter established.

Eligible: A person whose name is on a current eligible list and who may, under these rules, be certified for appointment to a position in the municipal service.

Emergency: A sudden and unforeseen happening that required the unscheduled services of an employee to protect the health, welfare, and safety of the community.

Examination: Any test given by the City, whether written, oral, by example or by review of credentials, which assesses an applicant's relative ability to perform the duties and responsibilities of a classification and/or position.

Employee: Persons who receive wages or salaries from the City of Neosho.

Exempt employee: An employee who is exempt from the provisions of the Fair Labor Standards Act (FLSA) by the Act, or who is not covered by the Act, particularly as it relates to overtime.

Full time employee: An employee, not including elected officials, occupying a position included in the adopted annual budget that is neither specified part time or temporary employment; nor limited for a period of less than the budget year; also any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget; the hours of work for which are approximately 2080 per year.

Grade: The pay range for each position class.

Grievance: A complaint regarding employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor.

Immediate family: Husband, wife, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparents and grandchildren or as otherwise defined in-laws which have specific applications. This term shall also apply to any "step" relations to the employee.

Job description: An individual description of the duties and responsibilities associated with a specific position. Each job description, at a minimum, will define the primary purpose, supervision, description, and qualifications associated with each job.

Lay-Off: Employment separation made necessary by lack of work, funds, or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

Non-Exempt Employee: Those employees who are entitled to overtime pay.

Original employment date: First date of official appointment to a position in the municipal service for any period of continuous service.

Part time employee: Employees who have been appointed to a part time position where normal assigned work hours are less than thirty (30) hours per week and are limited to an annual total of one thousand five hundred (1,500) hours worked. Such appointment is not intended to continue on a career basis and does not have expectations of regular full-time employment appointment.

Position: A group of current duties and responsibilities assigned or delegated by authority requiring the full time, part time, or temporary employment of one person.

Probationary employee: A full time or part time employee serving a working test period.

Introductory period: A working test period during which a newly appointed full time or part time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

Promotion: The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

Qualifying period: The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

Reclassification: The official determination that a position be assigned to a class different from the one to which it was previously classified based on a gradual change in a position to include duties clearly outside of the current class; or an immediate change in a position brought about by a division of department or reorganization or redistribution of duties. Whether an employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

Repositioning: The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other municipal classes) or "external competitiveness" (relationship with wage and salaries paid in comparable selected labor markets).

Resident: A person whose principal place of domicile is within the corporate boundaries of the City.

Step: The lateral increase in pay within each grade range.

Temporary/seasonal employee: Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently, or according to the needs of a department. Such position shall not require more than 1500 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from the date of hire and shall have such date made a part of the employee's personnel file.

Transfer: The movement of an employee from one department, division, or unit of the municipal government to another, from one position to another position of the same class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

Vacancy: A duly created position which is not occupied and for which funds have been provided.

Year: A calendar year unless otherwise specified in a particular section or article.

Chapter 17. **Revision History**

DATE OF REVISION	DESCRIPTION OF CHANGES
4/2022	City of Neosho handbook revamp
4/2023	Updated Marijuana language, political activities, and exempt positions.

Chapter 18. Acknowledgement of Receipt of Employee Handbook

I acknowledge that I have received a copy of the City of Neosho Employee Handbook. I understand that I am responsible for reading and abiding by all policies and procedures in this Handbook, as well as other policies and procedures of the City.

I also understand that the purpose of this Handbook is to inform me of the City's policies and procedures, and it is not a contract of employment. Nothing in this Handbook provides any entitlement to me or to any City employee. I also understand that the City and/or City Council have the right to change any provision of this Handbook at any time and that I will be bound by any such changes.

Signature

Date

Please print your full name

Please sign and date one copy of this notice and return it to Human Resources. Retain a second copy for your reference.